

8 AUGUST 1946

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Of
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1 Thursday, 8 August, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before with
16 the addition of COMMANDER E. R. HARRIS, U. S. N. R. as
17 Associate Counsel for Accused SHIMADA, Shigetaro.

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21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
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12 Appearances:

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14 exception of the HONORABLE R. B. PAL, Member from
15 India, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before with
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Will Mr. Levin come to the
4 lectern, please?

5 Mr. Levin, yesterday afternoon I, being
6 under a misapprehension as to something you said,
7 rebuked you unjustly. I regret it, more particularly
8 as your attitude to the Court has throughout been
9 exemplary.

10 MR. LEVIN: Thank you, your Honor. I am
11 sure, your Honor, it was a misunderstanding, and I
12 appreciate very much the remarks of the Court.

13 THE PRESIDENT: Does any counsel desire to
14 mention any matter?

15 Colonel Morrow.

16 CLERK OF THE COURT: Prosecution's document
17 No. 1948, introduced and admitted yesterday after-
18 noon before adjournment, received exhibit No. 254.
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12 appreciate very much the remarks of the Court.

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14 mention any matter?

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16 CLERK OF THE COURT: Prosecution's document
17 No. 1948, introduced and admitted yesterday after-
18 noon before adjournment, received exhibit No. 254.

19 (Whereupon, prosecution's exhibit
20 No. 254 was received in evidence.)
21
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1 COLONEL MORROW: If the Court please, I
2 will proceed to read the document which has been
3 admitted.

4 Document No. 1948, page 1 (reading):

5 "ANNALS OF JAPANESE MILITARY AGGRESSIONS
6 IN CHINA

7 "1937 July 7 Outbreak of Marco Polo Bridge
8 Incident

9 August 13 Outbreak of War in Wusong-
10 Shanghai area

11 August 26 Japanese captured Kalgan

12 Sept 24 Japanese captured Paoting

13 Oct 14 Japanese captured Kweisui

14 Nov 9 Japanese captured Taiyuan

15 Nov 10 Japanese captured Shanghai

16 Dec 13 Japanese captured Nanking

17 Dec 25 Japanese captured Hongchow

18 Dec 31 Japanese captured Tsinan

19
20 "1938 May 19 Japanese captured Hsuchow

21 June 6 Japanese captured Kaifeng

22 June 27 Japanese captured Mateng

23 July 25 Japanese captured Kiukiang

24 Oct 12 Japanese captured Sinyang

25 Oct 20 Japanese captured Canton

1		Oct	25	Japanese captured Hankow
2		Nov	11	Japanese captured Yoyang
3				
4	"1939	Mar	26	Japanese captured Nanchang
5		April	12	Chinese re-captured Kaifeng
6		Dec	5-31	Japanese attacked Kun Lun Kwan
7				but was repulsed
8		Dec	23	Japanese landed at Lungchow
9		Dec	24	Japanese captured Nanning
10				
11	"1940	April	24	Japanese again captured Kaifeng
12		June	12	Japanese captured Nichang
13		June	30	Chinese again re-captured Kaifeng,
14				but evacuated again
15		Oct	31	Chinese recaptured Nanning
16				
17	"1941	April	21	Japanese landed at Foochow
18		Sept	3	Chinese recaptured Foochow
19		Oct	10	Chinese recaptured Nichang
20		Oct	12	Japanese again captured Nichang
21				
22	"1942	May	5-10	Japanese captured Lungling
23				Tungchung
24				
25	"1943	Dec	3	Japanese captured Changteh

1 Dec 9 Chinese recaptured Changteh
2
3 "1944 April 20 Japanese captured Chenchow
4 May 25 Japanese captured Loyang
5 June 18 Japanese captured Changsha
6 August 8 Japanese captured Hengyang
7 Nov 3 Chinese recaptured Lungling
8 Nov 10 Japanese captured Kweilin
9 Nov 11 Japanese captured Kiuchow
10 Nov 22 Japanese captured Nanning

11
12 "1945 May 27 Chinese recaptured Nanning
13 June 29 Chinese recaptured Liuchow
14

15 "The above Annals are compiled from the files of
16 our Ministry and authenticated.

17 DATE: 17 June 1946, Tokyo"

18 Signed "Maj. Gen. Lee Li-bai
19 Chief, 1st Section, 2nd Department
20 (Intelligence) Ministry of Military
21 Operations, Republic of China"
22
23
24
25

1 COLONEL MORROW (Continuing): If the Court
2 please, we have submitted for introduction into evi-
3 dence certain excerpts from interrogatories of
4 certain of the defendants. I understand that copies
5 of the interrogatories from which the excerpts were
6 taken have been lodged with the Clerk. We have the
7 originals here, and I desire to read, if the Court
8 please, the excerpts which were taken from these
9 interrogatories.

10 The one I refer to first is document No.
11 10,101 which is an excerpt from the interrogation of
12 MUTO, Akira, dated 16 April, 1946, pages 1, 2, 3 and
13 4.

14 THE PRESIDENT: Are you tendering this?

15 MR. LOGAN: Mr. President, on behalf of
16 all the accused, except MUTO, we object to the read-
17 ing of these interrogatories on the ground that they
18 are not binding on any of them as these interrogator-
19 ies were taken after the termination of the conspir-
20 acy.

21 THE PRESIDENT: Mr. Logan, the Court has
22 considered that matter as to how far the admissions
23 or statements made by one accused will be used
24 against the others, if at all. We have decided not
25 to give a decision in that matter until we have

1 heard all the evidence, including the evidence for
2 the defense. Depending upon all the circumstances,
3 we may or may not admit the statements made by one
4 accused against the other accused also. In other
5 words, we will not hold ourselves bound by the
6 strict rule of evidence if the facts warrant other-
7 wise. So, prepare your defense on the assumption
8 that the statements of one accused may be admitted
9 against others.

10 MR. LOGAN: I appreciate what your Honor
11 has said, but the amount of work involved, I
12 think -- it might be brought to the Tribunal's
13 attention -- might influence it in making a de-
14 cision at least prior to the time that the defense
15 puts on its case. For example --

16 THE PRESIDENT: I have given you the
17 decision of the Tribunal, Mr. Logan. I cannot
18 debate it. It was arrived at after much consider-
19 ation and exchange of views in writing.

20 MR. LOGAN: May we then have a blanket
21 objection to all these interrogatories, sir, intro-
22 duced into evidence, on behalf of all the other
23 accused except the one whose interrogatory is being
24 read so we won't have to repeat it after each
25 interrogatory?

1 THE PRESIDENT: I told you some days ago,
2 Mr. Logan, that we would take it that there was an
3 exception to every objection taken by the defense
4 which was overruled, and that extends to the inter-
5 rogatories.

6 MR. LOGAN: I am asking for an objection,
7 your Honor, not an exception to the ruling -- an
8 objection to each of the documents as they are
9 introduced, a blanket objection, so we won't have
10 to repeat it each time.

11 THE PRESIDENT: Yes, we understand. We
12 understand that you object to every interrogatory
13 being tendered, or every answer being tendered
14 against any but the person who made the answer, and
15 also that the objection is overruled and that you
16 have an exception in each case.

17 COLONEL MORROW: If the Court please, I
18 will proceed. Document No. 10,101, page 1 (reading):

19 "Excerpt from Interrogation of MUTO, Akira,
20 dated 16 April 1946, pages 1, 2, 3 and 4."

21 THE PRESIDENT: Was this admitted subject
22 to all just exceptions?

23 CLERK OF THE COURT: Prosecution's document
24 No. 10,101 will receive exhibit No. 255.

25 THE PRESIDENT: The document having been

1 admitted subject to the usual terms.

2 (Whereupon, prosecution's exhibit
3 No. 255 was received in evidence.)

4 COLONEL MORROW (Reading):

5 "Q From the time you became Chief of the Military
6 Affairs Bureau in 1939 and up to 1942, the
7 Military Affairs Bureau determined the policies
8 relative to the treatment of prisoners of war?

9 "A No, the actual prisoners of war camps are
10 built under the direction of my section. The
11 policies pertaining to prisoners of war eman-
12 ated from the Prisoners of War Information
13 Bureau after it was set up.

14 "Q In 1942?

15 "A I am not sure when it was, but I believe it
16 was somewhere around the end of December 1941,
17 or early in 1942.

18 "Q But up to that time your office had determined
19 the policies governing the treatment of
20 prisoners of war?

21 "A Yes.

22 "Q And, of course, you took prisoners from the
23 Chinese Armies?

24 "A No. The question of whether Chinese captives
25 would be declared prisoners of war or not was

1 quite a problem and it was finally decided in
2 1938 that because the Chinese conflict was
3 officially known as an 'incident' that Chinese
4 captives would not be regarded as prisoner of
5 war. This time, however, if there was to be a
6 declaration of war all captives were to be
7 treated as prisoners of war.

8 "Q. As a matter of fact the China Incident was a
9 war, was it not?

10 "A. Actually yes, but the Japanese Government looked
11 upon it as being an incident.

12 "Q. So that when you became Chief of Military
13 Affairs Bureau in 1939, you carried on a
14 policy of not treating the Chinese captives
15 as prisoners of war?

16 "A. Yes.

17 "Q. What regulations governed the treatment of the
18 Chinese that were not treated as prisoners of
19 war?

20 "A. We had no connection whatsoever with this matter
21 in the Military Affairs section. It was all
22 handled by the Nanking Government under Wang
23 Chin Wei. Before the setting up of the Nanking
24 Government, these matters were handled by the
25 Chinese (puppet) Government that existed in

1 Central China and in North China.

2 "Q. That government, of course, was a puppet govern-
3 ment dominated by Japan?

4 "A. You may call it that, but I personally do not
5 believe it to be so.

6 "Q. In 1939, 1940, 1941, the Japanese army was
7 fighting in China, is that correct?

8 "A. Yes.

9 "Q. They took large numbers of prisoners, did they
10 not?

11 "A. Because, as I just told you, these matters
12 were handled by the Chinese Government, we
13 received no reports of how many prisoners
14 were taken and only read in the papers that
15 such and such elements of the Chinese Chun-
16 king army had surrendered.

17 "Q. Did your Japanese army turn the captured Chinese
18 over to the Nanking Government after their capture?

19 "A. Yes, and in turn the Nanking Government put
20 these people into their own armies.

21 "Q. Didn't the Japanese army frequently work
22 Chinese prisoners?

23 "A. Whether the Japanese army actually used them
24 or whether they were used by Japanese contrac-
25 tors, I do not know.

1 "Q. You were in China in 1939, were you not?

2 "A. Yes, until October 1939.

3 "Q. Very frequently your army took prisoners, did
4 it not?

5 "A. There were very few prisoners taken at this
6 time. Those that were taken were turned over
7 to the North China Government and used as
8 soldiers.

9 "Q. Whose army utilized these soldiers that had
10 been captured?

11 "A. They were used by this North China Army
12 (Chinese). It was called something or
13 other, but the name I do not recall at this
14 moment.

15 "Q. That is the Chinese Army that collaborated
16 with the Japanese Army?

17 "A. Yes.

18 * * * * *

19 "Q. What were the orders given by your command
20 with respect to the treatment of the Chinese
21 captured by you in the course of the fighting?

22 "A. Those orders had been in effect for some time
23 and while I was there I have no recollection
24 of any new orders having been put out.

25 "Q. What were those orders that you carried out?"

1 THE MONITOR: If it please the Court, the
2 English version and the Japanese translation does not
3 match. The English version **has things** on page 1 to
4 4 -- has questions on prisoners in China, and the
5 Japanese version does not. It is a completely dif-
6 ferent thing.

7 THE PRESIDENT: I cannot hear what you say.
8 You are turning away from the microphone.

9 THE MONITOR: The English version of this
10 interrogatory and the Japanese translation does not
11 match. The English deals -- from page 1 to 4 -- with
12 Chinese prisoners. The Japanese version does not --
13 has nothing about it.

14 THE PRESIDENT: Apparently, you have the
15 wrong translation.

16 THE MONITOR: The number is the same, sir:
17 10,101. I think the first question matches; and then,
18 about from the second question, it does not. The
19 English version has in the second question "In
20 1942?" as the question; the Japanese version has,
21 then, "Your answer was in complete agreement with
22 TOJO, is that right?"

23 THE PRESIDENT: Well, obviously, that is a
24 different document. Apparently, the wrong trans-
25

1 lation has been put over the IBM. We will have to
2 wait until the right translation in Japanese is
3 read.

4 MR. COLE: Mr. President, Mr. Cole, repre-
5 senting the accused MUTO. I was about to suggest
6 that the reading of the document be suspended or the
7 exhibit withdrawn until those discrepancies could be
8 corrected.

9 THE PRESIDENT: It is not a case of dis-
10 crepancy. It appears that the wrong document is
11 being read over the IBM in Japanese. The correct
12 thing to do is to hand the right translation to the
13 person responsible for putting it over the IBM.

14 THE MONITOR: May I inform the Tribunal
15 that the particular Japanese translation handed over
16 to the IBM personnel has the same document No. as
17 the English version. It reads "10,101." The con-
18 tent of the translation must be wrong.

19 THE PRESIDENT: We were informed that the
20 first four pages of the document read in Japanese
21 over the IBM has no reference to prisoners of war,
22 and the first four pages read by Colonel Morrow
23 refers to nothing else. The right translation should
24 be read up to the point where Colonel Morrow ceased
25 reading.

1 Have you the right translation, Colonel
2 Morrow?

3 COLONEL MORROW: No, sir, I haven't it at
4 hand at present; I did not know about this. Might
5 I suggest, if the Court please, that I will follow
6 with another interrogatory? And we will check this
7 matter in the meantime.

8 THE PRESIDENT: Well, the correct thing
9 would be to postpone the reading of this document
10 and to re-read it later when the correct Japanese
11 translation is available, but you should lose no
12 time in getting the correct translation.

13 You will tender another exhibit, I take it,
14 then?

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1 COLONEL MORROW: Yes, sir.

2 If the Court please, I desire to offer now
3 document No. 10102, which is entitled "Interrogation
4 of General Shunroku HATA."

5 THE PRESIDENT: Admitted on the usual terms.

6 Clerk of the Court: Prosecution's document
7 No. 10102 will receive exhibit No. 256.

8 (Whereupon, prosecution's exhibit
9 No. 256 was received in evidence.)

10 COLONEL MORROW: May I proceed, your Honor?

11 THE PRESIDENT: Yes.

12 COLONEL MORROW: (Reading):

13 "Doc. No. 10102

14 "INTERROGATION OF

15 "General Shunroku HATA

16 "Date and Time: 14 January 1946, 1545-1700 hours

17 "Place : Sugamo Prison, Tokyo, Japan

18 "Present : General Shunroku HATA

19 Carlisle W. Higgins, Interrogator

20 Col. Thos. H. Morrow, Interrogator

21 Danis Kildoyle, Interpreter

22 Claire Farrell, Stenographer

23 "Questions by: Mr. Higgins

24 "Q. Tell the General that Colonel Morrow and Mr.

25 Higgins of the International Prosecution Section

1 are here and would like to talk to him if he is
2 willing to answer questions and if it is all
3 right with him.

4 "A. He said yes.

5 "Q. How old is the General?

6 "A. He will be 67 in July.

7 "Q. That military school, if he was a student at such,
8 did the General attend?

9 "A. He is a graduate of the Officers School, which
10 is equivalent to West Point, and then of the
11 Army Artillery and Engineering School; also the
12 Army College (Staff College).

13 "Q. That was his branch of the service?

14 "A. He did not specialize in anything. His branch
15 is artillery but he didn't specialize.

16 "Q. When was he first commissioned as an officer in
17 the Imperial Japanese Army?

18 "A. In 1901 he became a Sub-Lieutenant.

19 "Q. What military commands has the General held?

20 "A. He became Commander of the 16th Field Artillery
21 Regiment -- he doesn't remember the exact date.
22 The year before the earthquake -- it would be 1922.
23 In 1926 he became 4th Artillery Brigade Commander.

24 "Q. What service did the General perform outside the
25 Islands?

- 1 "A. He was Commander of the Taiwan (Formosan) Army
2 from 1936 to 1937. And Commander-in-Chief of
3 the Expeditionary Armies in central China in
4 1938.
- 5 "Q. Did he assume command on the 17th of February
6 1938?
- 7 "A. Yes. He became Commander-in-Chief of all the
8 Expeditionary Armies in China.
- 9 "Q. Did the General succeed General Iwane MATSUI?
- 10 "A. He succeeded General MATSUI in central China.
11 And when he became Commander-in-Chief for all
12 the forces in China he succeeded General NISHIO.
- 13 "Q. Where were General NISHIO's headquarters?
- 14 "A. In Nanking.
- 15 "Q. Where were MATSUI's headquarters?
- 16 "A. First in Shanghai; then moved to Nanking.
- 17 "Q. When did the General first go to China as a Com-
18 mander?
- 19 "A. In 1938.
- 20 "Q. What command did he have at that time when he
21 first went to continental China?
- 22 "A. In August of 1937 he came back and became Inspec-
23 tor General of Military Education; in 1938 he
24 went to China again. When the China Incident be-
25 gan he was in Formosa.

1 "Q. Did he move his command with him from Formosa
2 to China?

3 "A. No, he came back here to Tokyo. They were two
4 entirely different operations and he had come
5 back to Tokyo to be Inspector General. It was
6 a very small affair in China at this time.

7 "Q. How many troops were under his command when he
8 first went to China?

9 "A. Five divisions under his command when he first
10 went to China.

11 "Q. Was that about 80,000 men?

12 "A. He doesn't remember but he thinks it was a little
13 more because there are other services attached
14 to this - like supply services.

15 "Q. Were those troops from the home islands of Japan
16 or were they continentals made up of Formosan
17 or Korean troops, or both?

18 "A. They were all from Japan proper. The numbers of
19 the Divisions he commanded are 3d, 6th, 9th, 13th
20 Reserve Division, 18th Reserve Division; all
21 from the main islands.

22 "Q. Were those troops already in China when the
23 General assumed command or were they transferred
24 from the islands when he assumed command?

25 "A. They had been under MATSUI and he took over.

1 "Q. Does the General know why he was assigned to
2 relieve MATSUI?

3 "A. Yes, he said the object of General MATSUI's ex-
4 peditionary forces had been achieved with the
5 capture of Nanking and he was sent there with
6 the principal object of pacifying the district
7 that had been captured. His instructions were
8 that Nanking -- that it was not advisable to leave
9 the triangle comprised by Shanghai, Nanking, and
10 Foochow, and that he was to pacify this district--
11 and, if he found it necessary to leave this
12 triangle, it would be advisable to obtain instruc-
13 tions from the Imperial General Headquarters.

14 "Q. Did he ever receive instructions from the Im-
15 perial General Headquarters to leave the triangle?

16 "A. No. He left this for Hangchow.

17 "Q. Was that after instructions were given by the
18 General Headquarters not to leave?

19 "A. No, this instruction was received from the Im-
20 perial Headquarters to leave the triangle.

21 "Q. What military mission was he assigned to perform
22 in his orders to leave the triangle?

23 "A. The capture of Hangchow was his objective and
24 instructions.

25 "Q. At the time he received these instructions what

1 was the total number of troops under his com-
2 mand?

3 "A. He said for this Hangchow operation an army was
4 sent down from the North and this army comprised
5 4 or 5 divisions.

6 "Q. Who was in command of the army?

7 "A. It was under his command.

8 "Q. What was the numerical strength of each of these
9 forces that came down from the North?

10 "A. He thinks about 300,000 or 400,000, although
11 this is from memory. He is not certain.

12 "Q. What Chinese Commander-in-Chief opposed him in
13 this move to capture Hangchow?

14 "A. He thinks it must have been Chiang-Kai Shek him-
15 self.

16 "Q. From the time he first initiated his move how
17 long was it until Hangchow was captured?

18 "A. Five months.

19 "Q. What was the approximate number of his troops
20 that were engaged in that operation, including
21 his forces in the triangle and the armies that
22 came down from the North?

23 "A. In addition to these, later on, after this tri-
24 angle had been emptied of the forces, two or
25 three divisions arrived to take over this tri-

1 angle so there would have been 11 or 12 divisions
2 altogether in this sector.

3 "Q. What was the available strength of each Division?

4 "A. He thinks about 15,000 to 16,000 troops.

5 "Q. Were these experienced troops or recruits?

6 "A. Yes, they were experienced troops. Four Divi-
7 sions had been recently mobilized but all the
8 rest were seasoned troops.

9 "Q. Of course the recently mobilized troops had had
10 military training under the Japanese conscription
11 laws?

12 "A. Yes.

13 "Q. Well, I'd like to have an estimate of the number
14 of killed and wounded -- the battle casualties?

15 "A. It is a matter of many years ago and he doesn't
16 remember. This was a long time ago and he has
17 no idea but he does remember figures after he be-
18 came Commander-in-Chief of all the armies in
19 China.

20 "Q. How long did he serve as Commander-in-Chief?

21 "A. Ten months, 1938 from February to November.

22 "Q. What were the battle casualties of the Japanese
23 armies under him during that period?

24 "A. There is a little mistake. From February to Nov-
25 ember 1938 he was in central China and he became

1 Commander-in-Chief in 1941 until 1944.

2 "Q. What were the figures up until about November?

3 "A. He does not remember those. He remembers figures
4 in connection with 1941-4 but he has forgotten
5 for the earlier period. For 1941-4 the dead
6 numbered 50,000 in China.

7 "Q. According to the usual ratio then, isn't it
8 likely to assume that the wounded amounted to
9 about 200,000?

10 "A. He figures about 200,000. He mentioned a ratio
11 of 1-5 -- the others died of illness -- but he
12 doesn't remember figures.

13 "Q. What was the date on which Hangchow was captured?

14 "A. He thinks it was October 25, 1938.

15 "Q. Does the General not have some definite idea as
16 to his losses in that operation?

17 "A. He could guess a figure but it would be just a
18 figure taken at random.

19 "Q. Can the General give me his estimate of what the
20 Chinese losses were then from the time he left
21 the triangle until Hangchow was captured

22 "A. No, he has no idea.

23 "Q. How many Chinese troops did his army capture in
24 this operation? How many prisoners were taken?

25 "A. He doesn't think there were so many. He didn't

1 worry about figures of prisoners taken there.
2 He thinks many of them just turned tail and left
3 the field of battle.

4 "Q. Did he look upon this as a war in China or was
5 it just a frontier incident?

6 "A. Although it actually was a war all they ever
7 considered it was as a China Incident. Actually
8 it was a war.

9 "Q. Did the General study international law in his
10 Staff College?

11 "A. Yes. In the War College.

12 "Q. Did the General know that Japan had treaties in
13 which they promised not to invade China and not
14 to wage war against China -- like in 1922 and
15 1928?

16 "A. What is this treaty called?

17 "Q. The Nine-Power Treaty.

18 "A. Yes, he knows it.

19 "Q. Well, did he think that they were breaking that
20 treaty or not?

21 "A. He knows of the existence of this treaty but he
22 does not know the terms and there seems to be
23 no other way out but to resort to armed force
24 when other means fail.

25 "Q. But supposing the treaty says they are not to

1 resort to armed force until they have made a try
2 for peace?

3 "A. He is not well acquainted with the Nine-Power
4 Treaty. He merely knows of its existence.

5 "Questions by: Mr. Higgins

6 "Q. What position, if any, did the General have with
7 the Japanese Army at the time of surrender?

8 "A. Commander-in-Chief of the 2d General Army.

9 "Q. Where was its headquarters?

10 "A. Hiroshima. He was there at the time of the
11 atomic bomb raid. His head is not right yet.

12 "Q. Where did the General leave the army records when
13 he left the China theatre?

14 "A. These were all left in China.

15 "Q. At the time the General's troops were in pos-
16 session of the triangle were not the civil laws
17 supplanted and he, as commander, governed by Ja-
18 panese military law, and did this not apply not
19 only to his troops but to the civil population?

20 "A. Generally, he said, the law was left in the hands
21 of the Chinese.

22 "Q. What does he mean generally?

23 "A. Anything that would not concern military matters."
24
25

1 If the Court please, I would like to read
2 from --

3 LANGUAGE SECTION CHIEF: One moment please.

4 THE PRESIDENT: You have not tendered this
5 yet, Colonel.

6 COLONEL MORROW: I beg your pardon.

7 THE PRESIDENT: You are going to tender this
8 further interrogation, are you not?

9 COLONEL MORROW: Yes, sir, that is the one
10 in which the translation is incorrect? I beg your
11 pardon, I see.

12 If the Court please, I desire to tender
13 document No. 10104, which is "Excerpts from Interro-
14 gation of MATSUI, Iwane, dated 8 March, 1946."

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 10104 will receive exhibit No. 257.

18 (Whereupon, prosecution's exhibit
19 No. 257 was received in evidence.)

20 COLONEL MORROW: If the Court please: (Reading)

21 "Excerpts from Interrogation of MATSUI,

22 Iwane, dated 8 March 1946

23 "Document No. 10104

24 "Q When did you first hear, if you did hear, that
25 Europe and America got the idea that your troops

1 committed many outrages in Nanking?

2 "A Almost as soon as I entered Nanking.

3 "Q You heard about it?

4 "A Yes.

5 "Q From what source did you hear about it?

6 "A From Japanese diplomats.

7 "Q Who was the Japanese diplomat?

8 "A It was a very small diplomatic official and
9 I do not remember his name, the Consul at
10 Nanking.

11 "Q Do I understand then that the Japanese Consul
12 was in Nanking when the Japanese troops were
13 approaching the city?

14 "A They went in with the Japanese troops. They
15 were attached to the army to go in and preserve
16 peace.

17 "Q There is a history of the Far East in Modern
18 Times written by a man named Vinacke and he
19 says that Chinese civilians were tied in
20 bunches with ropes and machine gunned and women
21 were turned into houses of prostitution for use
22 of the Japanese soldiers and that many civilians
23 were bayoneted in Nanking. Do you know where
24 this historian could have gotten this information?

25 "A I do not know. Perhaps from the Chinese.

1 "Q Did you hear any stories of that sort when
2 you came into Nanking?

3 "A No.

4 "Q My record says that you made certain public
5 utterances defying foreign governments. I
6 haven't any to point out but did you make any
7 statements?

8 "A I never refused intervention or defied govern-
9 ments, as a matter of fact in Shanghai and
10 Nanking I collaborated with the United States,
11 British and French diplomats and Consuls to
12 help Chinese refugees. A French missionary
13 who was engaged in this type of work appealed
14 to me for help and I donated the sum of ten
15 thousand yen to his work.

16 "Q Do you remember his name?

17 "A I don't remember now but will try to remem-
18 ber.

19 "Q Was that in 1932 or 1937?

20 "A 1937.

21 "Q Also there is a statement here that you were
22 relieved from command because of this Nanking
23 situation and replaced in February by General
24 Hara. Is that correct?

25 "A No, that is not the reason. I considered my

1 work ended in Nanking and wished to doff my
2 uniform and engage in peaceful pursuits.

3 "Q Do I understand you to mean that you gave the
4 French missionary ten thousand yen of your own
5 personal funds or was that collected from the
6 Japanese army or Japanese people as well as
7 yourself?

8 "A This was army funds.

9 "Q It was for the help of Chinese refugees around
10 Shanghai?

11 "A That is correct.

12 "Q Do I understand that you asked to be relieved
13 of command in 1938?

14 "A Yes, at my request.

15 "Q That request was addressed to the Chief of
16 Staff?

17 "A To War Minister General SUGIYAMA.

18 "Q Was that in writing?

19 "A By letter.

20 "Q Was it personal or official?

21 "A Half private and half official.

22 "Q Mr. Abend states that at the same time you
23 were relieved that Kingoro HASHIMOTO and
24 Prince Yasuhiko ASAKA and about eighty staff
25 officers were sent back to Japan. Do you

1 remember about that and is that correct?

2 "A Yes, but Mr. Abend was wrong in his deduction.
3 The reason for the return of the two officers
4 and eighty staff officers was the fact that
5 the ten divisions in Nanking were reduced to
6 some five divisions and as a result these
7 officers were superfluous. There were two
8 army headquarters and this was reduced to one.

9 "Q I understand there was an army that came down
10 from the North and then there was the army that
11 had been at Shanghai and they joined forces
12 with you. Is that correct?

13 "A This was after I returned to Japan.

14 "Q I understand there were some troops between the
15 Shanghai operations and the taking of Nanking,
16 like the Sixth Division for instance, under
17 General TANI, composing in part the Tenth Army
18 which I understood came down from the North.
19 Is that correct?

20 "A This came up from Shanghai.

21 "Q And the Sixth Division joined you before you
22 went to Nanking, as I understand, and the Tenth
23 Army?

24 "A Yes, that is correct.

25 "Q The charges also are made that the discipline

- 1 of troops that captured Nanking was very bad.
- 2 "A I considered the discipline excellent but the
- 3 conduct and behavior was not.
- 4 "Q Of the soldiers?
- 5 "A Yes.
- 6 "Q This was at Nanking?
- 7 "A Yes. I think there were some lawless elements
- 8 in the army.
- 9 "Q I understand then you are drawing a distinction
- 10 between the obeying of orders by a soldier in
- 11 the process of operations and what the soldier
- 12 does off duty and in this instance after the
- 13 town was captured?
- 14 "A Yes.
- 15 "Q And, of course, the officers commanding the
- 16 troops in Nanking did have the duty of over-
- 17 seeing the behavior of their soldiers both off
- 18 duty and on duty?
- 19 "A Yes.
- 20 "Q Why do you say that it is your opinion that the
- 21 behavior of the soldiers was bad? On what do
- 22 you base that statement?
- 23 "A On account of their behavior towards the Chinese
- 24 population and their acts generally.
- 25 "Q Were there any general orders that preceded the

1 capture of Nanking from your headquarters?
2 Especially regulating the conduct of the
3 soldiers after the capture of the city as was
4 anticipated.

5 "A I always advocated the maintenance of strict
6 discipline and the punishment of all evil doers.
7 I also advocated the thorough investigation of
8 the Nanking Incident, and collaboration with
9 foreign officials and diplomats and this was
10 done.

11 "Q Can you give me the names of any of the foreign
12 diplomats that investigated this matter?

13 "A One was Mr. HIDAKA from the Japanese Embassy.
14 I do not remember the names of the foreign
15 diplomats as they were in Nanking.

16 "Q Did you talk personally to any of these foreign
17 diplomats?

18 "A No, not at Nanking.

19 "Q At any time later did you talk to anybody?

20 "A I entered Nanking on the 17th and after one
21 week I returned to Shanghai. I met and dis-
22 cussed with U. S. and British commanders and
23 admirals, also the Italian and French am-
24 bassadors with a view to settling things in a
25 peaceful way.

1 "Q Were the troops that entered Nanking and that
2 were there on the 13th, 14th, 15th, 16th of
3 December, new troops or were they veterans and
4 were they officered by experienced officers or
5 otherwise?

6 "A They were all experienced troops officered by
7 experienced men.

8 "Q Have you ever commanded these troops before?

9 "A No.

10 "Q Had you ever heard that these troops had be-
11 haved badly off duty in China up to this time?

12 "A No, the army was a newly formed organization
13 sent from Japan but it was composed of many
14 experienced veterans. I had not heard of these
15 troops behaving badly elsewhere in China.

16 "Q Or in Manchuria?

17 "A No.

18 "Q Part of them had been engaged in operations a-
19 round Shanghai and those that had come down
20 from the north had been in some skirmish a-
21 round Peiping and Tientsin. Is that correct?

22 "A One division came down from the Peiping and
23 Tientsin area.

24 "Q The claim is made that Lieutenant General
25 Prince ASAKA was a field commander who should

1 have had some oversight over the part of the
2 army that first entered Nanking. Is it correct
3 that Prince ASAKA was so placed?

4 "Q Yes, that is correct.

5 "Q And Prince ASAKA married one of the daughters
6 of Emperor Meiji?

7 "A Yes, that is correct.

8 "Q Some people claim that Prince ASAKA was res-
9 ponsible very much for what happened in Nanking
10 but because of his relation to the Imperial
11 family little or nothing has been said about
12 it. Is that correct?

13 "A I do not think so. Prince ASAKA had joined the
14 army only about ten days before its entry into
15 Nanking and in view of the short time he was
16 connected with this army I do not think he can
17 be held responsible. I would say that the Di-
18 vision Commanders are the responsible parties.

19
20 "Q You stated that you went in to Nanking on the
21 17th. Did you see any bodies of dead civilians,
22 women or children? Anything of that sort?

23 "A They had all been removed by this time. I saw
24 a few dead Chinese soldiers near the west gate.

25 "Q The Chinese War Crimes Commission claims that

1 several hundred thousand civilians were
2 killed and that there was burning and
3 pillaging of Nanking right after the capture
4 on the 13th. Was there any other evidence
5 than what you stated that the town had been
6 badly handled in the capture? "

1 "A. That is absolutely untrue. There was no, ab-
2 solutely no, grounds for such accusations. This
3 I can state upon my honor.

4 "Q. When did you first see Hallett Abend after the
5 Nanking capture?

6 "A. I met him in China. I first met Mr. Abend
7 after, perhaps a month after Nanking.

8 "Q. Did Mr. Abend ask for an interview and get it?

9 "A. No, I requested Mr. Abend to see me as I had
10 heard rumors and I wished to quell these by
11 putting the facts before Mr. Abend.

12 "Q. What did you and Mr. Abend talk about? What
13 was said?

14 "A. I explained to Mr. Abend my views regarding the
15 respecting of foreign rights and interests in
16 Nanking. Also, my desire not to inflict damages
17 to neutral properties and interests. I also
18 stated that it was my desire to achieve peace
19 and extend the hand of friendship to Chinese
20 troops who had stopped fighting but that it
21 was my duty to punish Chinese troops who
22 continued opposition.

23 "Q. After you got back to Japan in February were
24 you ever asked to make a report about the
25 behavior of your troops at Nanking either

1 by the Chief of Staff or the War Minister or
2 anyone else?

3 "A. I was placed in the reserves immediately upon
4 arrival in Tokyo so I do not know for certain
5 but there must have been investigations and
6 reports.

7 "Q. Were you asked to make a report or questioned
8 about this rumor concerning the behavior of
9 troops at Nanking?

10 "A. No, I was not asked to make a report. If there
11 had been any such incidents I would naturally
12 have made a report on my own responsibility.
13 If you are looking for any reports they would
14 be in the Demobilization Bureau.

15 "Q. Do you have any papers or correspondence or
16 a diary which indicates your activities at
17 Nanking and Shanghai in 1936 or 1937?

18 "A. The only notes in my diary concern a court
19 martial of an officer and perhaps three
20 soldiers in connection with the rape of
21 Chinese in Nanking.

22 "Q. What is the date and what was the verdict
23 of the court?

24 "A. I think the officer was executed and the
25 soldiers imprisoned. This was as a result

1 of my advocating severe punishment for offenders.
2 I received this information when I was in Shang-
3 hai and put it in my diary there.

4 "Q. I suppose you can give us a copy of that? Pro-
5 cure it for us?

6 "A. All my records were burned including this
7 diary but I have a few notes made from memory
8 since which I think will be useful if I come
9 to trial. My house was destroyed in one of
10 the bombing raids.

11 "Q. When was this?

12 "A. August 26."
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1 COLONEL MORROW: If the Court please, I have
2 here another interrogation which is numbered Document
3 1949, entitled "Interrogation of Colonel HASHIMOTO,
4 Kingoro, Serial 6 - #343, page 4." I ask to tender
5 this in evidence, if the Court please.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution Document
8 No. 1949 will receive Exhibit No. 258.

9 (Whereupon, prosecution's exhibit No.
10 258 was received in evidence.)

11 COLONEL MORROW (Reading): "Interrogation of
12 Colonel HASHIMOTO, Kingoro, Serial 6 - #343, page 4.
13 I had no knowledge of the PANAY incident until the
14 British gunboat LADYBIRD passed by Wuhu; I shelled the
15 LADYBIRD and took it into custody and at that time, the
16 commanding officer of the LADYBIRD told me he was
17 going to the assistance of the PANAY because he had
18 gotten word that the PANAY was in trouble. This was
19 my first knowledge of the incident."

20 "This was under orders from Lieutenant-General
21 YANAGAWA. These orders read as follows: 'Nanking being
22 in a state of siege, and it appearing that enemy troops
23 would attempt to flee upstream, Colonel HASHIMOTO is
24 to sink all vessels proceeding towards Nanking without
25 regard to nationality. I believe these orders were

1 "issued two days before the fall of Nanking."

2 If the Court please, I understand that Com-
3 mander Carr of the Translation Section is checking
4 to determine the situation as to the translation of
5 the first interrogation, and he will have a report
6 ready for the Court, if it pleases the Court, after
7 the recess has been accomplished.

8 If the Court please -- if the Court please,
9 Exhibit #101 consists of the various maps which are
10 on the panels there, the other side of the room,
11 and I understand they have been displayed to the
12 Court before; that is, in the progress of this case.
13 I want to ask the Court if it desires that these maps
14 be displayed again at this time, and if not, I merely
15 desire to note that it is a part of the evidence of
16 this phase of the case. I would like to have the
17 Court note the maps from 1937 to 1944 inclusive insofar
18 as they indicate --

19 THE PRESIDENT: Have you copies of those
20 maps for the judges?

21 COLONEL MORROW: No, sir, I have not.

22 THE PRESIDENT: They are of very limited use
23 on that wall over there.

24 Mr. Bowman says we have copies.

25 COLONEL MORROW: Well, then, if the Court please--

1 THE PRESIDENT: I am reminded there has yet
2 been no verification of those maps. They have just
3 been tendered.

4 COLONEL MORROW: If I am not under a mis-
5 apprehension, your Honor, I understood the maps were
6 marked Exhibit 101 and that they have been introduced
7 in evidence.

8 THE PRESIDENT: We have received them, natur-
9 ally, but there has been no verification. Nobody has
10 said that they are accurate.

11 The person responsible for them is in Tokyo,
12 I take it?

13 COLONEL MORROW: I so understand. My record
14 shows, if the Court please, that the maps are a
15 series of maps showing territory controlled by Japan
16 and Japanese armed troops, that they are certified
17 and provided by the Japanese Government, are ten by
18 ten feet for use in the Courtroom, and that there was
19 an accompanying certificate from T. KABESHIMA of
20 Military Bureau, CLO testifying to the accuracy of the
21 maps.

22 THE PRESIDENT: Well, it is now for the defense
23 to challenge them if they see fit.

24 COLONEL MORROW: If the Court please, I am
25 informed that these maps were received for whatever

1 value -- probative value they might have some time
2 since.

3 MR. FURNESS: I think, if your Honor please,
4 that I was the one who objected to the admission of
5 the maps. I objected on the grounds that they were
6 obviously prepared for use in this trial. I think
7 that I then requested a ruling, and that the Court
8 said that they were admitted on the usual terms but
9 their authenticity could be attacked later. I suppose
10 the record could be checked to determine that. But
11 that is my recollection.

12 THE PRESIDENT: Well, I don't question your
13 recollection, Major Furness.

14 MR. FURNESS: I now object to their admission
15 on the same ground, that they are obviously prepared
16 for use in this trial by someone who had no original
17 knowledge and that they should not now be admitted.

18 THE PRESIDENT: We have overruled that ob-
19 jection.

20 MR. FURNESS: In other words, that there is
21 no proper foundation yet been laid for the information
22 which is purported to be conveyed by those maps.

23 THE PRESIDENT: You will be thrown back on
24 your evidence for that, Major Furness.

25 COLONEL MORROW: Well, if the Court please,

1 I understand that these maps were prepared by what
2 corresponds to the old General Staff Section of the
3 Japanese Government in the Army, and they were accompa-
4 nied by a certificate in the form of an affidavit.

5 THE PRESIDENT: The certificate is very
6 complete, and it rests with the defense to attack
7 them by way of evidence if they see fit.

8 MR. FURNESS: The defense requests that
9 we be furnished with copies of those maps.

10 THE PRESIDENT: We direct -- the Tribunal
11 directs the prosecution to supply copies of those
12 maps to the defense.

13 COLONEL MORROW: Well, then I understand,
14 if the Court please, that the maps are in evidence,
15 and that I merely desire, as a part of this phase,
16 to call the Court's attention to the progress of the
17 Japanese Army in China as disclosed by those maps
18 between the years 1937 and 1944 inclusive.

19 MR. McMANUS: Mr. President, may I enter my
20 objection.

21 THE PRESIDENT: We are just looking at the
22 maps for the time being, Mr. McManus.

23 (Whereupon, the maps for the years 1937
24 to 1944 inclusive were successively displayed
25 on the two panels behind the prisoners' dock.)

1 THE PRESIDENT: Yes, Mr. McManus.

2 MR. McMANUS: At this time, may I enter my
3 objection, Mr. President, on the ground that it is
4 a matter of judicial notice for the Court to notice
5 historical changes. I don't see any reason why the
6 prosecution has to resort to a Barnum-and-Bailey
7 road show to present their evidence. If they have
8 any evidence to present, let them present it to the
9 Court without going through all this embellishment.

10 THE PRESIDENT: It is quite a common prac-
11 tise in all courts to present maps on a large scale.

12 MR. McMANUS: Well, Mr. President, I still
13 would like my objection noted.

14 THE PRESIDENT: Well, I think this is a
15 convenient time now to recess. We will recess for
16 fifteen minutes.

17 (Whereupon, at 1045, a recess was taken
18 until 1100, after which the proceedings were
19 resumed as follows:)
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THE PRESIDENT: I regret to announce that our colleague, the representative of India, is temporarily indisposed.

Colonel Morrow.

COLONEL MORROW: If the Court please, the commander of the translation department tells me that a mistake was made in assembly, not in translation. In other words, as the Court stated, a translation of another statement was put in the place of the proper translation, and that will be ready for submission this afternoon about 3:30, the proper translation, if that will please the Court.

THE PRESIDENT: I think it will be satisfactory to the Tribunal if the Japanese translation is read today.

COLONEL MORROW: Does the Court desire me to defer the reading of the English until that time?

THE PRESIDENT: Yes.

COLONEL MORROW: May I ask the Court if it desires these maps to be presented, or will we leave the matter as it is?

THE PRESIDENT: Well, I am told by Mr. Bowman that copies of the maps are being provided for the Judges. No, he says that preparations are being made to provide copies for the Judges.

1 This morning you read a list of places where you
2 allege there were Japanese aggressions. Have you a
3 map showing those places?

4 COLONEL MORROW: I have my own map, sir, but
5 I haven't copies of it for the Court.

6 THE TRIBUNAL: Well, I feel sure the Members
7 of the Tribunal would like to have a copy showing
8 those places.

9 COLONEL MORROW: I will provide for the
10 same, if the Court please.

11 THE PRESIDENT: And you might give a copy
12 to the defense.

13 COLONEL MORROW: Then, if the Court please,
14 I would like to introduce Mr. Parkinson, to present
15 some documents at this time.

16 THE PRESIDENT: What is to happen to this
17 exhibit which has not been read yet, but which is
18 in course of being tendered? Are you taking charge,
19 Mr. Parkinson?

20 MR. PARKINSON: At this time, if the Tribunal
21 please, I would like to offer in evidence IPS docu-
22 ment 984, being a submission of draft of outline
23 for the military disposal of railways in North China.
24 The original has heretofore been lodged with the
25 clerk.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 984 will receive exhibit No. 259.

4 (Whereupon, prosecution's exhibit No.
5 259 was received in evidence.)

6 MR. PARKINSON: And with the Tribunal's
7 permission, I should like to read it into the record.

8 MR. LOGAN: If the Tribunal please, this
9 document was made the subject of a motion by the
10 prosecution, on which the Court heard argument in
11 chambers, but no order has been entered as yet per-
12 mitting the prosecution to offer this excerpt. This
13 is one of the items, the twenty-one items, which were
14 submitted to the Court and no order has been entered
15 on it as yet.

16 THE PRESIDENT: Well, it is covered by that
17 general direction I gave in chambers the other mor-
18 ning that you were to have seven days to peruse these
19 documents before any application was made in respect
20 to them, so that you might state in chambers what
21 additional material you needed. I think this might
22 be read, subject to the right of the defense to ask
23 in chambers for additional material.

24 Read it, Mr. Parkinson.
25

1 MR. PARKINSON: (Reading)

2 "ITEM 30

3
4 Dec. 2, 1935

5
6 "Vice War Minister Mikiro FURUSO

7 "Dear Sir:

Re: Submission of Draft of
Outline for the Military
Disposal of Various Rail-
ways in North China.

8
9 I herewith report on the subject matter as
10 per attached document.

11 Yours very truly,

12
13
14 Shun TADA,
Commander of the Japanese
15 Garrison Forces in North
China."

16
17 "ANNEXED DOCUMENT TO ITEM 30

18 "Confidential

19
20 "Draft of Outline for the Military Dis-
21 "posal of Various Railways in
22 "North China

23 "End of November, 1935.

24 Headquarters of the Japanese
25 Garrison Forces in North China.

1 "I. Policy

2 "The Army expects to dispose of the rail-
3 ways in North China in such a manner as to place them
4 under its control so as to achieve military objective
5 through direct utilization of them.

6 "In order to attain this end, the Army
7 shall so guide the present Chinese operators to con-
8 tinue their management as far as practicable, but it
9 is anticipated that either a minor or a major part of
10 certain railways may be occupied and seized or ad-
11 ministered from the beginning.

12 "II. The gist of measures.

13 "1. We must make the employees including
14 the executive officers of the various railways under-
15 stand the spirit of the North China autonomous move-
16 ment and the attitude of the Japanese forces and
17 endeavor to appease the employees by hinting to them
18 that they should feel at ease and assist the Japanese
19 forces even when the latter undertakes military
20 operations (this is already being carried out.)
21

22 "Copies sent to:

23 Chief of Staff of the Kwantung Army,
24 Headquarters of Railway Corps of Kwantung Army,
25 South Manchuria Railway Company,
Tientsin Infantry,
Peking Infantry. "

1 "2. We shall endeavor to check the south-
2 ward transfer of rolling stocks in counter-opposition
3 to the Nanking Government's policy of carrying away
4 rolling stocks and other materials to the South. For
5 this purpose we shall do our best in applying all
6 possible indirect means, but in the case of Peiping-
7 Shanhaikwan Railway we shall check it even by night
8 if necessary. In case such forcible measure is
9 taken, we shall give as the nominal reason self-
10 defense and protection of the Peiping-Shanhaikwan
11 Railway against the anti-Japanese military operations
12 of the Nanking Government. (This is being forced
13 by the dispatch of military police under an agreement
14 made with the Peiping-Shanhaikwan Railway Co.)

15 "3. The extent of the railways in North
16 China to be secured for military operations and the
17 necessity or non-necessity of occupying and seizing
18 them are generally arranged previously as follows:

19 "a. Peiping-Shanhaikwan Railway (whole line)

20 It is sufficient to supervise and
21 guide a part of the personnel.

22 "b. Tientsin-Pukow Railway (North of Su-chow)

23 If pressure of our forces is em-
24 ployed, it will be possible to
25 operate with the assistance of the

1 men from the South Manchuria
2 Railway Co.

3 "c. Peiping-Hankow Railway (North of the
4 Yellow River.)

5 It will be necessary to occupy and
6 seize it by Military Railway Units,
7 etc. at the outset.

8 "d. Peiping-Suiyuan Railway (whole line)

9 It will be possible to achieve the
10 object of transportation by means
11 of supervision and guidance over a
12 certain number of personnel.

13 "e. Shantung Railway (whole line)

14 It can be utilized as it is at
15 present.

16 "f. Lunghai Railway (East of Su Chow)

17 It is necessary to occupy it when
18 opportunity offers.

19 "4. Reconnaissances necessary for future
20 utilization will be made in regard to the rolling
21 stocks, materials, and other matters concerning each
22 railway, thereby completing plans and preparations
23 for their operation following the commencement of
24 military operations. These reconnaissances will be
25 started in the order of the Peiping-Shanhaikwan,

1 Tientsin-Pokow, Peiping-Hankow, and if time permits,
2 Peiping-Suiyuan, Shantung and Lunghai Railways.

3 "5. The military administration of railways
4 in North China will be done by the members of the
5 Headquarters of the Railway Corps of the Kwantung Army,
6 the detachments of the employees of the South Manchuria
7 Railway Co., and the military railway units.

8 "6. When the movement of troops becomes
9 necessary, the Army will organize the Headquarters
10 of Railway Corps of the Japanese Garrison Forces, in
11 China with the members of the Headquarters of the
12 Railway Corps of the Kwantung Army, as per schedule
13 No. 1. To this Headquarters will be attached the
14 necessary station headquarters, detachments of the
15 South Manchuria Railway employees, and the Military
16 Railway Units. The Headquarters will take charge of
17 not only military transportation, but also, if
18 necessary, the administration, construction, repair,
19 and operation of the railways.

20 "The commissarial business in the districts
21 along the railway will be looked after by the Head-
22 quarters of the Railway Corps.

23 "7. When the army finds it inevitable to
24 settle the issue by armed force, it will lose no
25 time to complete the organization mentioned in the
preceeding clause and speedily effect the unification

1 of the railways in North China according to the
2 following procedure, and thereby ensure military
3 transportation:

4 "a. Firstly take control of the Pei-ning
5 Railway to be used as the trunk line
6 by our subsequent military traffic.

7 "b. Immediately after the commencement of
8 military operation, the air force will
9 be ordered to bomb the Peiping-Hankow
10 Railway bridge over the Yellow River
11 and the strategic points south of
12 Su Chow (which is to be excluded) on
13 the Tientsin-Pukow Railway in order
14 to cut off these railways at various
15 points. At the same time the ground
16 forces will be speedily advanced to
17 the line of Yellow River and Suchow
18 to ensure the free railway traffic in
19 North China.

20 "Even when the situation does
21 not permit the accomplishment of the
22 above plan, efforts will be made to
23 secure the railways north of Shunte and
24 Tsinan at least.
25

1 "c. As to the Peiping-Suiyuan Railway,
2 careful watch will be maintained at
3 first and preparations made so as to
4 make possible the utilization along
5 with the progress of the military
6 operations.

7 "d. In consideration of the landing of our
8 reinforcements at Tsingtao, measures
9 will be taken at an opportune time to
10 utilize the Shantung Railway. Should
11 the Tientsin-Pukow Railway be inter-
12 cepted, the rolling stocks of the Shan-
13 tung Railway will be moved to the north
14 to be used for relay service. Depend-
15 ing upon the circumstances, penetra-
16 tion into the Shantung Province via
17 Tsingtao by sea-route may be expected.

18 "e. As soon as we occupy Suchow, we shall
19 take the section of the Lunghai Railway
20 east of that town. The western sec-
21 tion of that railway will be used in
22 such a manner as to check the possible
23 northward march of the Chinese Central
24 Armies along the Peiping-Hankow Rail-
25 way.

1 "8. For the military traffic we shall en-
2 deavor to make the best use of the existing Chinese
3 rolling stocks, but at the same time efforts will be
4 made to continue the operation of the principal trains
5 as far as the situation permits so as to keep up the
6 public transportation, except in the case of taking
7 over the control of the railways.

8 "Any shortage of rolling stocks and the cars
9 needed by the Kwantung Army for their advance within
10 the border line will be provided by the S.M.R.

11 "9. While efforts will be made to have the
12 Chinese organs control the railways as far as possible
13 in connection with the utilization of the railways,
14 the branch commander of the Headquarters of the
15 Way Corps will be charged with the control of each
16 railway, supervising and guiding its operation with
17 the minimum number of personnel. Especially the
18 military railway units will be employed exclusively
19 for the operation of trains and the repairing of the
20 railways in the vicinities of the battle-front.

21 10. Whether the whole line or a part of a
22 railway should be placed under our control will be de-
23 cided after the forced run of military trains and in
24 the light of the attitude of the railway employees and
25 other factors in the rear line.

1 "However, in the case of temporary control
2 efforts will be made by pacification operations, etc.
3 to induce dispersed people to return to their home
4 bases as soon as possible. Moreover, in order to
5 prevent the dispersion of people, printed matters
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1 will be prepared beforehand for distribution immediately
2 after the first forced run of military trains. And at
3 the same time necessary number of men will be posted
4 at appropriate points along the railway line to prevent
5 their flight.

6 "11. For the patrol of the railways, no
7 large forces will be required in the case where we
8 protect the military clique in North China and operate
9 against the armies of the Nanking Government, but
10 considerable forces will be needed in the case where
11 we move southward while mopping up the military clique
12 in North China. In the latter case it will be nec-
13 essary to safeguard the railway bridges and important
14 stations. In either case, anti-aircraft defense pre-
15 parations will be needed for the principal railway
16 bridges in the region south of Peking and Tientsin.

17 "III. The disposal of railways when normal
18 political condition is restored.

19 (A private opinion only. Strictly
20 confidential).

21 "12. When the situation in North China is
22 restored to its normal condition after the military
23 operations are over, the railways will be turned over
24 to the North China Regime generally according to the
25 following procedure:

1 "a. Although the railways will be operated
2 individually at the start of the war
3 operation (the Peiping Shanhaikwan Rail-
4 way and the Tientsin-Pukow Railway in
5 the state of cut-off as they are now)
6 all the railways in North China will be
7 organized, in the case the Army places
8 them under its control into one bloc at
9 the earliest possible moment and unified
10 under a Military Railway Commission.

11 "b. The personnels which was temporarily
12 reinforced during the war operations
13 will be reduced gradually and the re-
14 maining personnel will be charged
15 with the military transportation in
16 North China and other business directly
17 connected with it under the guidance of
18 the Headquarters of the Railways Corps
19 of the Japanese Garrison Forces in
20 China.

21 "c. When the affairs had been all settled
22 the Headquarters of the Railway Corps
23 will be abolished and the railways
24 amalgamated into one system. Under
25 the management of the Communication

1 Ministry of the North China Regime,
2 Japanese advisers and/or some rail-
3 way employees will be employed.

4 "Addenda: The following demands will be made of the
5 North China Regime on the occasion of the abolition
6 of the Headquarters of the Railway Corps.

7 1. Employment of advisers and high-ranking
8 officials by each railway.

9 2. The right of guarding the railways and
10 of posting troops at the principal
11 places along the railway lines.

12 3. Cession of the Shantung Railway and
13 the section of Lunghai Railway east
14 of Anchow.

15 4. The right of constructing new railways."

16 MR. PARKINSON: If the Court please, I
17 would now like to offer IPS document No. 928 which
18 has heretofore been lodged with the Clerk, the
19 original.

20 THE PRESIDENT: Admitted on the usual
21 terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 928 will receive exhibit No. 260.

24 (Whereupon, the document above
25 referred to was marked prosecution's

1 exhibit No. 260 and received in evidence.)

2 MR. PARKINSON: I might state, if your
3 Honors please, that this document was likewise
4 involved in the motion defense referred to.

5 THE PRESIDENT: The same direction applies.
6 The defense may ask for more.

7 MR. PARKINSON: (Reading)

8 "Office Report for 1937.

9 "Published by the Secretariat of the
10 Foreign Ministry.

11 "December 1, 1937.

12 "Part II Report of the Personnel Affairs Section.

13 "Section VIII The China Affair (Page 80)

14 "Item 1. Emergency measures in personnel
15 administration to meet the outbreak of the Affair.

16 "Concerning the clash between the troops
17 of Japan and China which broke out on the midnight
18 of 7 July 1937, near Lukouchiao, as the result of
19 unlawful firing on the part of Chinese soldiers,
20 the Imperial Government, at a cabinet meeting of
21 11 July, made an important determination and de-
22 cided to take necessary steps in connection with
23 the dispatching of troops to North China. Accord-
24 ingly, as a hasty measure for strengthening the
25 staffs of our diplomatic offices in North China,

1 we instructed by telegrams Vice-Consul MIMURA and
2 clerk KATAOKA at Yingkou, and Vice-Consul ARIHISA
3 and clerk MOCHIZUKI at Chengchiatun, (the consulates
4 at these two places had been scheduled to be closed
5 down soon) to await orders for dispatch to North
6 China. Besides, Councillor MORISHIMA was ordered
7 to proceed alone to his post at Peking by advancing
8 the date of his departure. Consul YONAIYAMA, who
9 had been staying in Tokyo, also received unofficial
10 instructions to prepare for dispatch to North China.
11 Thus, on the following day, that is, 12 July,
12 orders were issued to Vice-Consul's MIMURA and
13 ARIHISA to proceed to North China. However, as it
14 so happened that the telegram from the Japanese
15 Ambassador to Manchoukuo reporting that these
16 two Vice-Consuls as well as clerks KATAOKA and
17 MOCHIZUKI had almost finished winding up the
18 affairs of these two consulates and had made all
19 preparations for starting at once upon receipt
20 of orders, crossed the above-mentioned orders,
21 telegraphic instruction was given to clerk KATAOKA
22 to proceed at once."
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2 clerk KATAOKA at Yingkou, and Vice-Consul ARIHISA
3 and clerk MOCHIZUKI at Chengchiatun, (the consulates
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17 MOCHIZUKI had almost finished winding up the
18 affairs of these two consulates and had made all
19 preparations for starting at once upon receipt
20 of orders, crossed the above-mentioned orders,
21 telegraphic instruction was given to clerk KATAOKA
22 to proceed at once."

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1 MR. PARKINSON: At this point, if your Honors
2 please, I would like to advise counsel for the defense
3 that I must deviate from the order of procedure which
4 I had served upon them due to faulty -- the processing
5 of faulty translations.

6 THE PRESIDENT: Does that affect the logical
7 sequence of your evidence to any extent?

8 MR. PARKINSON: It does affect it, your Honor,
9 but not to any great vital extent.

10 At this point I would like to call as a wit-
11 ness for the prosecution ASAMI, Kazuo.

12 THE PRESIDENT: Could you present more docu-
13 ments instead of calling this witness? The Indian repre-
14 sentative, of course, is not here.

15 MR. PARKINSON: This witness, your Honor, was
16 in connection with a document, merely for identification.

17 THE PRESIDENT: Yes. Very well.
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1 A S A M I , K A Z U O , called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, assumed the stand.

4 MR. PARKINSON: May I ask the Court's indul-
5 gence for a moment to confer with my associate?

6 If the Court please, due to some confusion
7 which had arisen resulting from the faulty translations
8 that I referred to, I find that my associate has not
9 produced the document in court to which I propose to
10 use this witness.

11 THE PRESIDENT: Do you want him stood down for
12 the time being?

13 MR. PARKINSON: Yes, sir.

14 THE PRESIDENT: We direct that he be stood down
15 for the time being.

16 (Whereupon, the witness was excused.)

17 MR. PARKINSON: At this time then, your Honor,
18 I offer in evidence IPS document 473, being a collection
19 of addresses by Foreign Minister MATSUOKA.

20 THE PRESIDENT: Admitted on the usual terms.

21 DEPUTY CLERK OF THE COURT: Prosecution's
22 document No. 473 will receive exhibit No. 261.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 261 for
25 identification, and was received in evidence.)

1 MR. PARKINSON: May I proceed to read, your
2 Honor?

3 (Reading) "Collection of Addresses by For-
4 eign Minister MATSUOKA, Yosuki - 1941.

5 "The great spirit, which is originally the
6 tradition of our country since the foundation of the
7 state, is HAKKO ICHIU, namely to promulgate the moral
8 principles over the world and to let the whole nation
9 be placed in their right post and it is needless to
10 say that the imperial diplomacy fundamentally has to
11 play an important role in spreading this great spirit
12 all over the world and towards the accomplishment of
13 the holy task of realizing this grand ideal on the earth.
14 However, considering the present situation of our coun-
15 try, as an actual problem of foreign policy, there are
16 such constantly important problems before our eyes as
17 how we should maintain the Japanese population which
18 is remarkably increasing annually and how we should
19 heighten the level of our national wealth which is
20 strikingly lower in comparison with those of the two
21 European and American powers, the British Empire and
22 America. In order to solve these problems, the gov-
23 ernment has been trying for many years to develop our
24 people in foreign countries by means of foreign trade,
25 emigration and oversea enterprise. But the various

1 countries in Europe and America have been and are actu-
2 ally disturbing Japan by means of the prohibition or
3 the limitation of her emigration and the levy of high
4 custom duty upon the Japanese commodities and every
5 other measure.

6 "The Manchurian Incident was an exaltation of
7 the National spirit; but in a way, we can say that it
8 was an explosion caused by the oppression of the peace-
9 ful development of Japan by the Europe and American
10 powers.

11 "I have, in fact, observed minutely the trend
12 of the world and chiefly the relation between Japan and
13 China and the trends of the both countries in East
14 Asia, etc., and come to a view long since, by which I
15 have been more firmly impressed with the outbreak of
16 the China Incident. The present China Incident differs
17 fundamentally in its nature from such wars as caused by
18 the Kings' ambition or simply the material desire, and
19 a traditional or a sudden feeling and dispute or by the
20 utilitarian conflict between the capitalistic countries.
21 That is to say, the fundamental cause of the Sino-
22 Japanese conflicts was ideological. There may be, of
23 course, many other causes of secondary, thirdly impor-
24 tance, but, after all, its fundamental ought to be
25 understood well by everyone of us as the dispute of

1 ideology. I have been trying these several years to
2 persuade some persons about this matter. It is that
3 we have been strongly holding such an ideology as our
4 empire should settle the situation throughout East Asia
5 by our harmonious cooperation with China to the East.

6 "In short, Japan has no intention to annex the
7 territory and conquer or exploit the nation in this
8 zone as Europe and America did. On the contrary, Japan
9 will liberate the native from the pressure of the Imper-
10 ialism and treat them as a brother in place of a slave
11 and have relations of interdependence with them. Our
12 Empire intended to carry out such policies neither for
13 reasons of our constraint for other countries nor our
14 judgment of these as the prudent measures in view of
15 the present circumstances of the world, but only for
16 reasons of our fear for a God. The fact that our coun-
17 try is a divine country means, in a way, that there will
18 be the grace of Heaven when our country will go for-
19 ward in accordance with the divine will and if we act
20 against it we will be punished by Heaven. Consequently,
21 in executing our national diplomatic policy, the fact
22 that Japan is a divine country must be considered.

23 "Our future is really of much difficulties.
24 I think our country must, first of all, make every
25 effort to establish a strong armed country, unifying

1 100 million people in one and at the same time to have
2 the closer economic relations in the Great East Asia
3 Co-Prosperity Sphere. The fact that the Minister of
4 Commerce and Industry KOBAYASHI, a special envoy to
5 Dutch Indies, is now negotiating, relates to this
6 meaning and the fact that a special envoy is going to
7 be sent also to French Indo-China, tells us the same
8 purpose, and we should like to make the cooperation
9 with Siam and others more firm. By the way, I must
10 add a word about this treaty; it is how shall we deal
11 with our Russian relation. "

1 "Looking Back at The Establishment of MANCHUKUO.

2 "I have an honor to give my expressions today
3 at the eighth anniversary of the recognition of MAN-
4 CHUKUO.

5 "MANCHURIA might be called as my second native
6 place and I shall be related to MANCHURIA and MONGOLIA
7 five times, if I count my journey to Geneva in 1932 in
8 connection with the MANCHURIAN Incident in addition to
9 my four times stay in MANCHURIA since my first step to
10 MANCHURIA as a twenty-seven years old young official
11 over thirty years ago until I left the post of the
12 President of the Manchurian Railway Company last year.
13 It seems as if belonged to a quite different age when
14 we compare today's MANCHUKUO with MANCHURIA and MONGOLIA
15 before the Incident. There has never been such a
16 country in the world history, which has made so rapid
17 progress only in eight years. Recalling the condition
18 of MANCHURIA and MONGOLIA just before the Incident, it
19 was really out of description. The rights and interests
20 we gained at the sacrifice of 100 thousand lives and
21 two billion national funds during both wars of the Sino-
22 Japanese and the Russo-Japanese, have mostly come to be
23 on the brink of ruin at last in the cause of both
24 obstructions by certain European and American countries
25 and the conspiracies and devices by China and Chang's

1 family and our weak-kneed diplomacy. The fact that our
2 people had by and by forgotten or become indifferent
3 to the actuality that we had paid dearly and that MAN-
4 CHURIA and MONGOLIA were essential to the existence of
5 our country, that is to say, they were our life line
6 and furthermore had a great importance to the whole
7 situation of East Asia, should be one of the reasons
8 that such a pitiful circumstances have been brought
9 about. While the Chinese became wild with excitement
10 at the withdrawal of the South Manchurian Railway and
11 the Port Arthur and Dairen, there were such persons even
12 among the famous politicians as advocated boldly the
13 abandonment of MANCHURIA and MONGOLIA as if in coopera-
14 tion with the Chinese. The Chinese side, growing impu-
15 dent day by day, and paying no attention to our fre-
16 quent protests as well as the regulations of the treaty,
17 constructed a parallel line to the MANCHURIAN Railway
18 and planned even the outflanking line at last and pro-
19 jected to strike out our position, rights and interests
20 in MANCHURIA and MONGOLIA together with the MANCHURIAN
21 Railway Company. What we answered against these reck-
22 less attempts at that time was nothing but the repeat of
23 the verbal protests. Hereupon, she became imprudent
24 more and more and tried to drive the Japanese out of
25 the earth of MANCHURIA and MONGOLIA at one effort. Our

1 people, however, were still more indifferent and the
2 government, which might have had a serious illusion,
3 behaved with deference and showed even a flattery.
4 This indifferent and spiritless attitude of our govern-
5 ment and the people caused her to grow the anti-Japan
6 up to the insult for the Japanese and there happened at
7 last such deplorable events as the MANPAOSHAN Event of
8 1931 and Captain NAKAMURA's Slaughter Event. But the
9 government authorities at that time maintained their
10 calmness yet and seemed not to be surprised at all.
11 They, of course, took it the most rustic to get angry
12 and were cool-headed, but our 200 thousand inhabitants
13 and the Imperial Army there could not stand any more.
14 Then, the MANCHURIAN Incident broke out as it should
15 naturally. Our national blood stirred up. Recalling it
16 now, one blow at RYUJOKO was itself the positive counter-
17 attack and exaltation of the Japanese spirit and
18 awakened the Japanese people from their long sleep and
19 made the revival of the Japanese spirit and started
20 them for the display of the true nature of the Imperial
21 Japan, I believe. Otherwise, who would now have con-
22 trolled MANCHURIA and MONGOLIA? Nay, where should JAPAN
23 have fallen down now? I'm struck with terror when I
24 imagine such a matter. China brought an action to the
25 League of Nations. There were a considerable number of

1 persons in the government and the people at that time
2 who embraced the League Supremacy Principle or rather
3 feared it in their hearts than respected. The League
4 tried to control Japan to their best and dispatched the
5 famous Lytton Investigation Committee to the Far East
6 and treated Japan as if a defendant. Both the Japanese
7 government and the people did not even refuse the com-
8 mittees and its party to proceed majestically, as if
9 the former were, I wonder, insensible or afraid of the
10 latter in their hearts. You cannot have forgotten the
11 spiritless face of Japan at that time. How would it
12 have been if it were today? I think they would not have
13 come with such an overbearing faces as betrays: 'I'll
14 pass judgment on your quarrel and even if not so we
15 would refuse it away.' Thinking thus, we are struck
16 with wonder at the change of times. Our people must not
17 forget the timid and poor-looking figure of our country
18 in those days, looking up to the gracious and splendid
19 Imperial Japan of today. If you will be fallen in
20 amnesia, you will have an awful experience again as
21 before. They attempted to record MANCHURIA and MONGOLIA,
22 on which they had never shed a drop of blood or never
23 touched a finger, on the Lytton Reports and to place
24 them under the international administration in accord-
25 ance with their advice. I believe that there has never

1 been in the history of the human race such previous
2 instance as the nonsensical, ridiculous and audacious
3 conspiracy was projected to be forced on a large country.
4 But, viewing from the situation at that time, it is a
5 question whether they were wrong or Japan was wrong who
6 caused herself such unreasonable attitude or an insult.
7 I think the attitude or the intention of the government
8 and the people at that time should be partly responsible
9 for it.

10 "The revived Japanese spirit has become clearer
11 day by day and refused at last such devices and advices.
12 That is to say, the 24th day in February of 1931, to-
13 gether with the 18th in September of 1929, is the
14 memorial day which ought not to be forgotten by the
15 YAMATO race. The revival of the Japanese spirit which
16 started with the one stroke at RYUJOKO was achieved
17 with the action of the secession from the League of
18 Nations. The 24th day in February of 1931, when the
19 Imperial Japan challenged bravely the hypocrisy, which
20 is a characteristic of the present civilization, will
21 remain long recorded in the history of the world. This
22 is the day on which Japan set the world on the road to
23 the establishment of a true and real peace of the world
24 and Japan, on that day, gave a final blow to the false
25 organization of status quo. In those days I stated, in

1 my farewell address, that one who would be injured by
2 imprudent action (the decision of the nineteen commit-
3 tee meeting) is not Japan, but the League of Nations,
4 but I wonder where the League is now and what it is
5 doing. Then, the Imperial Japan and the Japanese Spirit
6 that started on the course of the revival has been
7 advancing forward speedily since then. Japan has been
8 thrown in a serious situation through her dash after
9 dash in these nine years as well as the world. It is
10 just like a dream. There have been so many changes. I
11 can't help being surprised at the very splendid feature
12 of Japan when we think of the poor-looking and spirit-
13 less Japan of just nine years ago. It is far more than
14 to say that it belongs to the different age. For us
15 who have had some knowledge about MANCHURIA and MONGOLIA
16 these over thirty years and see today's MANCHUKUO which
17 was born just eight years ago, it is rather surprising
18 and dreamy matter. I have always insisted that MANCHU-
19 RIA and MONGOLIA is the key to stabilize the whole
20 situation of East Asia, and even now I still believe it
21 firmly. As to the continental policy, the base of our
22 holy task, which is to be realized in Asia, lies still
23 in MANCHURIA and MONGOLIA and this base will not pro-
24 bably be changed for about a half century. The work
25 of the establishment of MANCHUKUO is the first step of

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3 tee meeting) is not Japan, but the League of Nations,
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23 in MANCHURIA and MONGOLIA and this base will not pro-
24 bably be changed for about a half century. The work
25 of the establishment of MANCHUKUO is the first step of

1 the Reconstruction of the New Order in East Asia and
2 at the same time was the herald of the construction of
3 the World New Order and its position in the world his-
4 tory should be said to be very important. The true sig-
5 nificance of the MANCHURIAN Incident will be realized
6 for the first time when the reconstruction of the New
7 Order in East Asia will be accomplished, for which we are
8 now making every endeavour. All changes in East Asia
9 since the MANCHURIAN Incident until now are, that is to
10 say, to be incorporated in one and the true meaning of
11 the MANCHURIAN Incident and the establishment of MAN-
12 CHUKUO will become clear at the time when the CHINA
13 Incident will be fundamentally settled, and also the
14 reconstruction of the New Order in East Asia is indivi-
15 sible from the arrangement of the domestic affairs."

1 "Even if we dream of the reconstruction of new
2 order in East Asia, or moreover throughout the world,
3 while maintaining the status quo in the internal affairs,
4 this attempt is impracticable. I believe firmly that
5 the new order of East Asia, nay, of the world, will be
6 established only when our country will establish the
7 political organization assisted by the whole nation
8 and based upon this really gracious national policy,
9 and will assume exhaustively the actually Japanized
10 totalitarianism meaning that 'all the people should be
11 united to the Emperor with hearty gladness and faith-
12 fulness' and will carry out the diplomatic policies
13 originated in the Imperial way. When we, in this
14 emergency of today, think of the significance of Man-
15 chukuo again and recall the circumstances before and
16 after the foundation, and moreover bring to mind the
17 future of the mankind in trouble in looking straight
18 at the unprecedented stir and the confusion of the
19 world, we who are the people of East Asia, can't help
20 being stirred up. We must be determined to devote
21 ourselves in overcoming the difficulties under the
22 strong conviction of 'The Light from the East' and
23 'The New Order by Us.'"

24 THE PRESIDENT: Well, this is a convenient
25 break, no doubt.

1 Tomorrow afternoon we propose to adjourn at
2 three o'clock.

3 We will adjourn now until half past one.

4 (Whereupon, at 1200, a recess was
5 taken.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Parkinson.

4 MR. PARKINSON: If the Court please, I
5 judge from the remarks of the President of the
6 Tribunal, just before the noon recess, that he pre-
7 ferred to offer no oral testimony during the indis-
8 position of a Member of the Court. Since there may
9 be some controversy over the witness stood down,
10 I shall, if it is agreeable to the Court, recall
11 him Monday morning.

12 THE PRESIDENT: You may do so.

13 MR. PARKINSON: However, I wish to ask the
14 indulgence of the Court with relation to one other
15 witness. I had intended to place on the stand one
16 who has heretofore testified, Mr. ITO, for the
17 purpose of bringing out one point only. I am ad-
18 vised by Mr. Williams in charge of witnesses that
19 this particular individual came here at great incon-
20 venience and would suffer great inconvenience if he
21 were held over. The sole point, if the Tribunal
22 please, which I wish to elicit from this witness was,
23 upon ascertaining the conditions in Nanking, that he
24 reported the same to his home government.

25 THE PRESIDENT: We give you permission to

ITO

REDIRECT

1 recall him on that point.

2 - - -

3 N O B U F U M I I T O, recalled as a witness on
4 behalf of the prosecution, resumed the stand
5 and testified as follows:

6 REDIRECT EXAMINATION

7 BY MR. PARKINSON:

8 Q Mr. ITO, where were you from September,
9 1937 until February, 1938?

10 A I was at Shanghai.

11 Q In what capacity were you at Shanghai?

12 A As Minister-at-large in China, I was in
13 charge of negotiations with the diplomatic corps
14 and members of the press at Shanghai, and also was
15 in charge of information.

16 Q While serving in that capacity during that
17 period, were you advised by these foreign diplomats
18 as to the conduct of the Japanese troops in Nanking?

19 A I received reports from members of the
20 diplomatic corps and from press men that the Japan-
21 ese Army at Nanking had committed various atrocities
22 at the time.

23 Q Did you seek to verify those reports from
24 the Japanese Army?

25 A I did not seek to verify these reports.

ITO

REDIRECT

1 Q Did you report what you heard to your home
2 government?

3 A I did report the general -- a general resume
4 of what I had heard from diplomats and from press
5 men.

6 Q And to whom did you render that report?

7 A I'm afraid I do not remember exactly to
8 whom I reported this. I do remember that a report
9 was made in some kind of form; but, in what form it
10 was made and to whom this report was made, I cannot
11 at the moment recall.

12 Q Do you recall whether it was reported to
13 your Foreign Minister?

14 MR. LOGAN: Object to that, your Honor. I
15 submit the witness is bound by his former statement.
16 He doesn't recall to whom they were sent.

17 THE PRESIDENT: He should remember to whom
18 he made a report of that importance, and I think he
19 can quite rightly be pressed to answer.

20 A As all my reports were sent to the Foreign
21 Office -- in form they were all addressed to the
22 Foreign Minister, but I just said that I could not
23 recollect exactly to whom these reports were meant
24 to go.

25 THE PRESIDENT: That ought to be sufficient.

ITO

RECROSS

1 MR. PARKINSON: You may cross-examine.

2 THE PRESIDENT: Captain Kleiman.

3 RECROSS-EXAMINATION

4 BY CAPTAIN KLEIMAN:

5 Q Mr. ITO, you are acquainted with the
6 functions of the Privy Council, are you not?

7 THE PRESIDENT: Captain Kleiman, so far
8 the Privy Council is not implicated by the evidence
9 of this witness. By asking him an unnecessary
10 question you take the risk of having them impli-
11 cated.

12 CAPTAIN KLEIMAN: That is exactly --

13 THE PRESIDENT: He couldn't know, in any
14 event.

15 CAPTAIN KLEIMAN: May it please your
16 Honor, that is exactly what I've been trying to
17 impress to the Tribunal: that I am taking the
18 risk with these witnesses, and that it is only
19 because I have no fear as to their answer, and be-
20 cause I feel that this witness may know that I am
21 willing to take the chance of asking this witness
22 the question.

23 THE PRESIDENT: I tell you again: the
24 Privy Council is not implicated in anything the
25 witness said, and he would not know the part played

ITO

RECROSS

1 by the Privy Council in any event.

2 CAPTAIN KLEIMAN: Your Honor's statement
3 is satisfactory to myself. I will not question
4 this witness, may it please the Tribunal.

5 MR. ITO: I am ITO, Kiyoshi, counsel for
6 the defendant MATSUI, Iwane.

7 RECROSS-EXAMINATION (Continued)

8 BY MR. ITO:

9 Q Mr. Witness, you told me that in your
10 previous statement you said that you were in Nan-
11 king at the time Nanking was captured, am I right?

12 A No, I never said such a thing. I said I
13 was in Shanghai.

14 Q (Question not interpreted)

15 LANGUAGE SECTION CHIEF: If the Court
16 please, we'd like the counsel to reframe his ques-
17 tion.

18 THE PRESIDENT: Reframe your question. It
19 was far too long.

20 Q Mr. Witness, you reported -- you testified
21 that -- (Remainder of question not interpreted)

22 MR. ITO: I shall reframe my question once
23 more.

24 THE PRESIDENT: We know the Japanese counsel
25 are quite capable of framing short, clear questions.

ITO

RECROSS

1 We have had it demonstrated here.

2 MR. ITO: As the matter is somewhat compli-
3 cated, it is very difficult for me to frame this
4 question in simple language, so I shall discontinue
5 my cross-examination.

6 THE PRESIDENT: Well, that is a senseless
7 attitude.

8 MR. LOGAN: No further cross-examination.

9 MR. PARKINSON: The witness may be excused.
10 (Whereupon, the witness was
11 excused.)

12 - - -

13 MR. PARKINSON (Continuing): If the
14 Tribunal please, I offer in evidence IPS document
15 No. 1862, this being a "Press Release by General
16 MATSUI, 18 December, 1937."

17 THE PRESIDENT: Admitted on the usual
18 terms.

19 CLERK OF THE COURT: Prosecution's document
20 1862 will receive exhibit No. 262.

21 (Whereupon, prosecution's exhibit
22 No. 262 was received in evidence.)

23 MR. PARKINSON (Reading):
24 "Press Release by Gen. MATSUI, 18 Dec. 1937
25

1 "Time will be allowed,
2 Grave reflection must be called for."
3 "General Matsui's Declaration

4 "General MATSUI, Commander-in-Chief of all
5 the Expeditionary Armies in China, after having per-
6 formed religious service for the war dead in Nanking,
7 issued a special statement at 4 p.m. on the 18th
8 December. In his statement he once more called for
9 the grave reflection of the whole Chinese nation and
10 plainly expressed a firm and unshakeable resolution
11 regarding the future movements of the military
12 authorities. The statement made at this junction
13 when Japan has made an epochal triumphal entry into
14 the fortress of Nanking is as follows. The army
15 took firm possession of Nanking and performed the
16 triumphal entry yesterday (17 December). And after
17 having performed religious service for the war dead
18 today, the army made every possible preparation for
19 the future military operations without delay. The
20 army lost no time in moving a certain part of the
21 troops towards the Kiangpei districts, and another
22 part toward the Chekiang and Anhui districts. Thus,
23 the army has been engaged in a series of military
24 operations. But taken all together, the army having
25 become considerably exhausted, it is necessary for
troops in general to take a little rest, because

1 the army had been engaged in unremitting landing
2 operations for four months since its troops were
3 landed, and immediately after that, the army turned
4 its maneuvers to the pursuit of the enemy. During
5 this time the army is expected to adjust their
6 military preparedness, and to map out the next plan
7 of operations, strengthening the defences of the
8 field of operations, and endeavoring to pacify the
9 inhabitants of the districts.

10 "The future military operations depend
11 entirely upon what attitude Chiang Kai-shek and
12 the National Government of China will assume, and,
13 therefore, I am not in a position to make any
14 immediate comment on this point. On the part of
15 the enemy, I think, the troops and inhabitants of
16 the southern parts of the Yangtze-Kiang must have
17 been menaced not a little by the past battles. As
18 a matter of course, I think, the National Government
19 of China has been given the opportunity of examining
20 itself. I, preferably, must express my deep sympathy
21 for the enormous loss the troops and inhabitants
22 suffered from the war. Consequently, we must make
23 them rely on the Japanese army and also make them
24 entertain friendly sentiments to the Japanese military
25 authorities by the self-examination on the part of

1 the National Government of China. I hope, in view of
2 the situation, the time will soon come when the Nation-
3 al Government will be convinced of the error they have
4 made.

5 "On the contrary, if the National Govern-
6 ment does not repent, the army, to my regret, must
7 carry out the war as a result of its mission until
8 they, the National Government, acknowledges them-
9 selves beaten.

10 "The cold season is actually here and the
11 closing days of the year are drawing near. At this
12 time, the Japanese army intends to give time for
13 the troops and inhabitants of China in order to
14 call for their grave reflection on the one hand,
15 and to show Japan is fighting in the cause of Justice
16 on the other. As I have performed a memorial service
17 for the war dead today, my mind is filled with deep
18 emotions. But I have been touched with compassion
19 not only for the Japanese war dead, but also for
20 the dead who were misled by the National Government
21 which entangled the present state of affairs in the
22 East through having not been awakened to the contem-
23 porary circumstances. I extend much sympathy to
24 millions of innocent people in the Kiangpei and
25 Chekiang districts, who suffered the evils of war.

1 "Now the flag of the rising sun is floating high
2 over Nanking, and the Imperial Way is shining in
3 the southern parts of the Yangtze-Kiang; the dawn
4 of the renaissance of the East is on the verge of
5 offering itself. On this occasion, I hope for
6 reconsideration of the situation by the 400 million
7 people of China."

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1 MR. PARKINSON (Continuing): At this time,
2 if the Court please, I offer in evidence prosecution's
3 document No. 766 being the findings of fact of the
4 United States Navy Board of Inquiry in connection
5 with the sinking of the U. S. S. PANAY.

6 THE PRESIDENT: Mr. Yamaoka.

7 MR. YAMAOKA: May it please the Tribunal,
8 I desire to file an objection to the introduction of
9 this document on several grounds, and beg the Court's
10 indulgence to hear the argument upon it.

11 This, if your Honor please -- the facts con-
12 cerning this incident are practically within the
13 province of judicial knowledge of this Tribunal. The
14 unfortunate incident occurred on December 12, 1937.
15 On that date the Japanese Government sent to the
16 American Ambassador in Tokyo its note of apology, and
17 on December 14, 1937, the United States sent a note in
18 substance requesting a formally recorded expression of
19 regret and an undertaking to make complete and com-
20 prehensive indemnification.

21 THE PRESIDENT: You assume we must take
22 judicial notice of this, and you are assuming to state
23 the facts.

24 MR. YAMAOKA: If your Honor please, I beg
25 the Court's indulgence in recalling certain matters

1 to your attention; that was all.

2 THE PRESIDENT: I am afraid you cannot rely
3 too much on the principle of judicial notice, because
4 without this assistance we may not know much about it,
5 no matter how much we may assume to know. This is
6 necessary help the prosecution is giving us, to
7 refresh our memories.

8 MR. YAMAOKA: Might I continue, your Honor?

9 THE PRESIDENT: On other points; but we will
10 be against you on the judicial notice point.

11 MR. YAMAOKA: Aside from the fact, whether
12 it is a question of judicial notice or not, may I
13 invite the Court's attention to certain facts relat-
14 ing to this incident?

15 THE PRESIDENT: Briefly, Mr. Yamaoka. These
16 points are generally argued very briefly.

17 MR. YAMAOKA: Well, I desire to point out
18 to the Tribunal that this matter was protested by
19 the United States Government; that the Japanese Govern-
20 ment made a formal apology to the United States Govern-
21 ment. It rendered assurances that recurrence of such
22 events would not occur, and it agreed to indemnify the
23 government and its nationals.

24 THE PRESIDENT: Such things do not render
25 the evidence inadmissible, but they are merely con-

1 siderations to be weighed when we are evaluating the
2 evidence.

3 MR. YAMAOKA: But, if the Tribunal please --

4 THE PRESIDENT: Have you got any other point,
5 Mr. Yamaoka?

6 MR. YAMAOKA: If the Tribunal please, I
7 desire to point out that this matter was settled as
8 between the two governments, and I do not believe that
9 it is now proper to reopen this issue before this
10 Tribunal.

11 THE PRESIDENT: America is one nation; here
12 there are eleven.

13 MR. YAMAOKA: But, if the Tribunal please,
14 we are here concerned with certain principles. Here
15 we have certain political acts of the government, and
16 usually, I believe, that the political acts of govern-
17 ments are not subject to review in tribunals
18 in legal proceedings.

19 THE PRESIDENT: The evidence is clearly
20 admissible, but the consideration you press on us is
21 one to be entertained to some extent in dealing with
22 the value of the evidence.

23 MR. YAMAOKA: Just one more suggestion on
24 this, if your Honor please. The reason why I am
25 making this objection is that here we have incidents

1 that are closed, and if it is to be reopened we do not
2 know to what extent these matters, settled in diplo-
3 matic practice -- in usage would be upset.

4 THE PRESIDENT: It is just a single episode
5 in Japan's relations with the United States.

6 MR. YAMAOKA: Well, but if it is addressed
7 just to that, if your Honor please, is it the Court's
8 ruling that it will consider it, nevertheless?

9 THE PRESIDENT: We will receive the evidence,
10 but will consider the matters that you have stressed.

11 The objection is overruled.

12 CLERK OF THE COURT: Prosecution's document
13 766 will receive exhibit No. 263.

14 (Whereupon, prosecution's exhibit
15 No. 263 was received in evidence.)

16 MR. PARKINSON: May I proceed, your Honor?

17 THE PRESIDENT: You may.

18 MR. PARKINSON: (Reading)

19 : "UNITED STATES OF AMERICA

20 "DEPARTMENT OF THE NAVY

21 "WASHINGTON, D. C.

22 "February 21, 1946

23 "I hereby certify that the annexed is a
24 photostat of the Finding of Facts from the Record of
25 Proceedings of a Court of Inquiry convened on board

1 the U. S. S. AUGUSTA by orders of the Commander in
2 Chief of the U. S. Asiatic Fleet to inquire into all
3 the circumstances connected with the bombing and loss
4 of the U. S. S. PANAY in the Yangtze River near
5 mileage 221 above Woosung, China, on December 12,
6 1937.

7 "ON FILE IN THE Navy Department.

8 "Signed, 'G. L. Russell'

9 "Assistant Judge Advocate General
10 of the Navy.

11 "OFFICE OF THE SECRETARY

12 "I HEREBY CERTIFY THAT G. L. RUSSELL who
13 signed the foregoing certificate, was at the time of
14 signing Assistant Judge Advocate General of the Navy
15 and that full faith and credit should be given his
16 certification as such.

17 "IN TESTIMONY WHEREOF, I have hereunto set
18 my hand and caused the Seal of the Navy Department to
19 be affixed this Twenty-first day of February, one
20 thousand nine hundred and forty-six.

21 "Signed, 'O. S. Colclough'

22 "Judge Advocate General of the Navy

23 "For the Secretary of the Navy.

24 "The court, having thoroughly inquired into
25 all the facts and circumstances connected with the

1 subject matter of the inquiry, finds as follows:

2 "FINDING OF FACTS

3 "1. That on December 12, 1937, the U. S. S.
4 PANAY, a unit of the Yangtze Patrol of the United
5 States Asiatic Fleet, was operating under lawful
6 orders on the Yangtze river.

7 "2. That the immediate mission of the U. S.
8 S. PANAY was to protect nationals, maintain communi-
9 cation between the United States Embassy office,
10 Nanking, China, and the American Ambassador at Hankow,
11 China; provide a temporary office for the U. S.
12 Embassy staff during the time when Nanking was greatly
13 endangered by military operations, and to afford a
14 refuge for American and other foreign nationals.

15 "3. That due to intensive shell fire around
16 Nanking, the U. S. S. PANAY had changed berth several
17 times to avoid being hit, and on the morning of
18 December 12, 1937, formed a convoy of Socony-Vacuum
19 Oil Company vessels, principally the S. S. MEIPING,
20 MEIHSIA, and MEIAN and proceeded upriver.

21 "4. That adequate steps were taken at all
22 times to insure that the Japanese authorities were
23 informed of the movements of the U. S. S. PANAY.

24 "5. That, in addition to her regular com-
25 plement, the U. S. S. PANAY had on board at ~~that~~ time

1 four members of the American Embassy staff, four
2 American nationals and five foreign nationals.

3 "6. That at 0940, while standing upriver,
4 the U. S. S. PANAY stopped in response to a signal
5 from a Japanese landing boat. A Japanese Army board-
6 ing officer and guard went on board and was informed
7 that the U. S. S. PANAY and convoy were proceeding
8 to anchorage twenty-eight miles above Nanking. No
9 warning was given of any danger likely to be encoun-
10 tered.

11 "7. That at about 1100 December 12, 1937,
12 the U. S. S. PANAY and convoy anchored in the Yangtze
13 river in a compact group at about mileage 221 above
14 Woosung, twenty-eight miles above Nanking.

15 "8. That the U. S. S. PANAY was painted
16 white with buff upper works and stacks and displayed
17 two large horizontal flags on her upper deck own-
18 ings plus large colors at her gaff.

19 "9. That the Socony-Vacuum ships MEIPING,
20 MEIHSIA, and MEIAN each displayed numerous horizontal
21 and vertical American flags, all of large size.

22 "10. That at 1330 the crew of the U. S. S.
23 PANAY were engaged in normal Sunday routine and were
24 all on board except a visiting party of eight men on
25 board the S. S. MEIPING.

1 "11. That at about 1338 three large Japanese
2 twin motored planes in a Vee formation were observed
3 at a considerable height passing overhead down-river.
4 At this time no other craft were in the near vicinity
5 of the U. S. S. PANAY and convoy, and there was no
6 reason to believe the ships were in a dangerous area.

7 "12. That without warning these three
8 Japanese planes released several bombs, one or two
9 of which struck on or very close to the bow of the
10 U. S. S. PANAY and another which struck on or very
11 close to the S. S. MEIPING.

12 "13. That the bombs of the first attack
13 did considerable damage to the U. S. S. PANAY, dis-
14 abling the forward three inch gun, seriously in-
15 juring the Captain and others, wrecking the pilot
16 house and sick bay, disabling the radio equipment
17 and the steaming fireroom so that all power was lost,
18 and causing leaks in the hull which resulted in the
19 ship settling down by the head and listing to star-
20 board thereby contributing fundamentally to the
21 sinking of the ship.

22 "14. That immediately thereafter a group
23 of six single engined biplanes attacked from ahead,
24 diving singly and appearing to concentrate on the
25 U. S. S. PANAY. A total of about twenty bombs were

1 dropped, many striking close aboard and creating,
2 by fragments and concussion, great damage to ship
3 and personnel. These attacks lasted about twenty
4 minutes during which time at least two of the planes
5 attacked also with machine guns; one machine gun
6 attack was directed against a ship's boat bearing
7 wounded ashore, causing several further wounds and
8 piercing the boat with bullets.

9 "15. That during the entire attack the
10 weather was clear with high visibility and little if
11 any wind.

12 "16. That the planes participating in the
13 attacks on the U. S. S. PANAY and its convoy were
14 ~~un~~mistakably identified by their markings as being
15 Japanese.

16 "17. That immediately after the first
17 bomb struck, air defense stations were manned; the
18 thirty caliber machine gun battery opened fire and
19 engaged the attacking planes throughout the remainder
20 of the attack. The three inch battery was not manned,
21 nor were any three inch shells fired at any time.
22 This was in accordance with the ship's air defense
23 bill.

24 "18. That during the bombing many were
25 injured by flying fragments and concussion and all

1 suffered shock on the first bomb. The Captain suf-
2 fered a broken hip and severe shock; soon thereafter
3 Lieutenant Anders, executive officer, was wounded
4 by fragments in throat and hands, losing power of
5 speech; Lt. (J. G.) Geist, engineer officer, received
6 fragments in the leg.

1 "Ensign Biwerse had clothing blown off and was severely
2 shocked. This includes all the line officers of the
3 ship. The Captain being disabled, the executive
4 officer carried on his duties, giving orders in
5 writing. He issued instructions to secure confident-
6 ial publications, to get underway, and to beach
7 the ship. Extensive damage prevented getting under-
8 way.

9 "19. That at about 1400, believing it impossible
10 to save the ship and considering the number of wounded
11 and the length of time necessary to transfer them
12 ashore in two small boats, the Captain ordered the
13 ship to be abandoned. This was completed by about
14 1500. By this time the main deck was awash and the
15 PANAY appeared to be sinking.

16 "20. That all severely wounded were transferred
17 ashore in the first trips. The Captain protested
18 in his own case. The executive officer, when no
19 longer able to carry on due to wounds, left the
20 ship on the next to the last trip and Ensign Biwerse
21 remained until the last trip.

22 "21. That after the PANAY had been abandoned,
23 Mahlmann, Chief boatswain's mate, and Weimens, machin-
24 ist's mate first class, returned to the PANAY in
25 one of the ship's boats to obtain stores and medical

1 supplies. While they were returning to the beach
2 a Japanese power boat filled with armed Japanese
3 approached close to the PANAY, opened fire with a
4 machine gun, went alongside, boarded, and left within
5 five minutes.

6 "22. That at 1554 the U.S. S. PANAY, shortly
7 after the Japanese boarding party had left, rolled
8 over to starboard and sank in from seven to ten
9 fathoms of water, approximate latitude 30-44-30
10 North, longitude 117-27 East. Practically no valuable
11 government property was salvaged.

12 "23. That after the PANAY survivors had reached the
13 left bank of the river, the Captain, in view of his
14 own injuries and the injuries and shock sustained by
15 his remaining line officers, and the general feeling
16 that attempts would be made to exterminate the survivors,
17 requested Captain F.N. Roberts, U.S. Army, who was not
18 injured, and who was familiar with land operations
19 and the Chinese language, to act under his direction
20 as his immediate representative. Captain Roberts functioned
21 in this capacity until the return of the party
22 on board the U.S.S. OAHU on December 15, 1937, performing
23 outstanding service.

24 "24. That Messrs. Atcheson and Paxton of the U.S.
25 Embassy staff rendered highly valuable services on shore

1 where their knowledge of the country and language,
2 coupled with their resourcefulness and sound advice,
3 contributed largely to the safety of the party.

4 "25. That after some fifty hours ashore, during
5 which time the entire party suffered much hardship and
6 exposure, somewhat mitigated by the kindly assistance of
7 the Chinese, they returned and boarded the U.S.S OAHU
8 and H.M.S. LADYBIRD.

9 "26. That from the beginning of an unprecedented
10 and unlooked for attack of great violence until their
11 final return, the ship's company and passengers of the
12 U.S.S. PANAY were subjected to grave danger and continuous
13 hardship. Their conduct under these conditions was
14 in keeping with the best traditions of the Naval Service.

15 "27. That among the PANAY passengers, Mr. Sandro
16 Sandri died of his injuries at 1330 December 13, 1937,
17 and Messrs. J. Hall Paxton, Emile Cassie, and Roy
18 Squires were wounded.

19 "28. That early in the bombing attacks the
20 Standard Oil vessels got underway. The MEIPING and
21 MEIHSIA secured to a pontoon at the Kaiyuan wharf,
22 the MEIAN was disabled and beached further down river
23 on the left bank. All these ships received injuries
24 during the first phases of the bombing. Serious fires
25 on the MEIPING were extinguished by the PANAY visiting

1 party of eight men who were unable to return to their
2 ship.

3 "29. That after attacks on the PANAY had ceased, the
4 MEIPING and MEIHSIA were further attacked by Japanese
5 bombing planes, set on fire and destroyed. Just
6 previous to this bombing, Japanese army units on shore
7 near the wharf attempted to avert this bombing by waving
8 Japanese flags. They were not successful and received
9 several casualties. It is known that Captain Carlson
10 of the MEIAN was killed and that Messrs. Marshall,
11 Vines, and Pickering were wounded. Casualties among the
12 Chinese crews of these vessels were numerous but
13 cannot be fully determined.

14 "30. That the following members of the PANAY
15 crew landed on shore from the MEIPING after vainly
16 attempting to extinguish oil and gasoline fires on
17 board; V.F. Puckett, Chief machinist's mate; J.A.
18 Granes, gunner's mate first class; J.A. Dirnhoffer,
19 seaman first class; T.A. Coleman, Chief pharmacist's
20 mate; J.A. Bonkoski, gunner's mate third class; R.L.
21 Browning, electrician's mate third class; J.L. Hodge,
22 fireman first class, and W.T. Hoyle, machinist's
23 mate second class. These men encountered Japanese
24 soldiers on shore who were not hostile on learning
25 they were Americans.

1 "31. That all of the PANAY crew from the
2 MEIPING, except J.L. Hodge, fireman first class,
3 remained in one group ashore until the following day
4 when they were rescued by M.M.S. BEE. Hodge made his
5 way to Wuhu and returned to Shanghai via Japanese
6 naval plane on December 14, 1937.

7 "32. That in searching for and rescuing the
8 survivors, Rear Admiral Holt, R.N., and the officers
9 and men of H.M.S. BEE and H.M.S. LADYBIRD rendered
10 most valuable assistance under trying and difficult
11 conditions thereby showing a fine spirit of help-
12 fulness and cooperation.

13 "33. That Charles L. Ensminger, storekeeper
14 first class, died at 1330 December 13, 1937, at
15 Hohsien, China, from wounds received during the bomb-
16 ing of the U.S.S. PANAY and that his death occurred
17 in line of duty not the result of his own misconduct.

18 "34. That Edgar C. Hulsebus, coxswain, died at
19 0630 December 19, 1937, at Shanghai, China, from
20 wounds received during the bombing of the U.S.S.
21 PANAY and that his death occurred in line of duty not
22 the result of his own misconduct.

23 "35. That Lt. Commander James J. Hughes;
24 Lieutenant Arthur F. Anders; Lieutenant (J.G.) John
25 W. Geist; John H. Lang, chief quartermaster; Robert

1 R. Hebard, fireman first class; Kenneth J. Rice,
2 electrician's mate third class; Carl H. Birk, electr-
3 ician's mate first class; Charles S. Schroyer, seaman
4 first class; Alex Kozak, machinist's mate second
5 class; Peres D. Zigler, ship's cook third class, and
6 Newton L. Davis, fireman first class, were seriously
7 injured in line of duty not the result of their own
8 misconduct.

9 "36. That Lieutenant Clark G. Grazier, Medical
10 Corps; Ensign Denis H. Biwerse; Charles S. Adama,
11 Radioman second class; Tony Barba, ship's cook
12 third class; John A. Bonkoski, gunner's mate third
13 class; Ernest C. Branch, fireman first class; Raymond
14 L. Browning, electrician's mate third class; Walter
15 Cheatham, coxswain; Thomas A. Coleman, Chief phar-
16 macist's mate; John A. Dirnhoffer, seaman first class;
17 Yuan T. Erh, mess attendant first class; Fred G.
18 Fichtenmayer, carpenter's mate first class; Emery
19 F. Fisher, chief watertender; Michael Gerent, machin-
20 ist's mate second class; Cecil B. Green, seaman first
21 class; John L. Hodge, fireman first class; Fon B.
22 Huffman, watertender second class; Karl H. Johnson,
23 machinist's mate second class; Carl H. Kerske, coxs-
24 wain; Peter H. Klumpers, Chief machinist's mate;
25 William P. Lander, seaman first class; Ernest R.

1 Mahlmann, Chief boatswain's mate; William A. McCabe,
2 fireman first class; Stanley M. McEowen, seaman first
3 class; James H. Peck, quartermaster second class;
4 Reginald Peterson, radioman second class, Vernon F.
5 Puckett, Chief machinist's mate; King F. Sung, mess
6 attendant first class; Harry B. Tuck, seaman first
7 class; Cleo E. Waxler, boatswain's mate second class;
8 John T. Weber, yeoman first class, and Far Z. Wong,
9 mess attendant first class, were slightly injured in
10 line of duty not the result of their own misconduct.

11 "37. That the log book, commanding officer's
12 night order book, the last chart by which the ship
13 was navigated, pay accounts, service records, muster
14 roll, public monies, and public vouchers were not
15 salvaged. All the health records were preserved and
16 turned over to proper authority by the medical officer,
17 U. S. S. PANAY.

18 "38. That certain secret and confidential
19 publications remained on board in the confidential
20 safe when the ship was abandoned."

21 If the Tribunal please, I now offer as
22 prosecution's next exhibit IPS document No. 488,
23 being the "Extracts from The Inevitability of Renova-
24 tion, by HASHIMOTO, Kingoro."

25 The original --

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 488 will receive exhibit No. 264.

4 (Whereupon, prosecution's exhibit
5 No. 264 was received in evidence.)
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1 MR. PARKINSON (Reading): "Extracts from
2 'The Inevitability of Renovation' by HASHIMOTO,
3 Kingoro."

4 "The unit which I was in was scheduled to
5 attack NANKING by marching through WUHU and up the
6 YANGTZE River. But two days before the fall of NANKING,
7 we unexpectedly received an order to attack all the
8 Chinese soldiers retreating from NANKING toward the
9 north on board transport ships. We instantly went
10 back to WUHU and laid out a battery of more than one
11 ri (TN, about 4 km.) wide, arranging heavy guns, field
12 guns and machine guns along the road running alongside
13 the river. Just at that time several ships which
14 seemed to be transports full of defeated soldiers came
15 in sight some several thousand metres downstream from
16 WUHU and we opened fire at them.

17 "I heard that a British warship happened to
18 be in the group and was hit by some of our shells,
19 and that it became a problem later on, but as for the
20 Imperial Army, we merely carried out the proper measures.

21 "At that time, an interesting thing happened.
22 After the shelling of the British warship and immediate-
23 ly following the fall of NANKING, a Japanese destroyer
24 came up the river and appeared in front of WUHU. I at
25 once requested the ship to stop and the captain of the

1 "ship, a certain Lieutenant-commander, came by
2 launch and landed to see us. We exchanged various
3 informations. After this, I said to the Lieutenant-
4 commander, 'Frankly, we are quite distressed because
5 we have had nothing to eat or drink. I wonder if you
6 can spare us some rice and sake, if you have any? '
7 He readily accepted and answered that he would have
8 his men bring them over.

9 'This is it,' we said, and waited expect-
10 antly. Soon after, the marines brought the rice, but
11 told us that they had no sake. The messenger for the
12 captain said, 'We really had sake with us, but on
13 the way from NANKING, we sank all the innumerable
14 Chinese junks that were floating around full of enemy
15 soldiers. When we thought of all those enemy soldiers
16 becoming food for the catfish in the YANGTZE River,
17 it delighted us so much that we couldn't help drinking
18 up all the sake in celebration of our victory. We
19 feel very sorry that we can't spare you any.' 'O. K.'

20 "At that time, even British warships could
21 not pass off WUHU without being fired at and naturally
22 the Chinese transports were not able to go beyond WUHU.
23 The opposite bank was already captured by the Japanese
24 troops. Therefore, the defeated soldiers of NANKING
25 that jumped into the ships could flee neither up nor

1 "down the river. As if a big snake had swallowed
2 an elephant, the enemy ships were helplessly cornered
3 on the waters between NANKING and WUHU, unable to
4 move either way. To think that our destroyers really
5 blasted away at those junks made us very happy for
6 it must have been quite effective and delightful.

7 "The first important point in the new system
8 is to make a grand revelation of our national polity.
9 That is, it is necessary to have politics, economics,
10 culture, national defense, and everything else, all
11 focused on one, the Emperor, and the whole force of
12 the nation concentrated and displayed from a single
13 point. Especially, the political, economic, and
14 cultural lines which had been organized and conducted
15 by liberalism and socialism in the past should be re-
16 organized according to the principle of oneness in the
17 Imperial Way. (TN, KODO ITTAI SHUGI).

18 "This system is the strongest and the grandest
19 of all, and, at the same time, is that which will
20 determine the future trend of our nation for a thousand
21 years to come. There are many countries in the world,
22 but there is absolutely no nation that can compare with
23 our national blood solidarity which makes possible a
24 unification like ours with the Emperor in the center.

25 "In this sense, this system will not only make

1 "the development of our principle of the "Whole
2 World Under One Roof" (TN HAKKO ICHIU) a success
3 under the present world chaos, but will turn the
4 crisis into a divine opportunity and enable our
5 nation to grasp the reins to lead the world in a
6 new world order. The CHINA Incident may well be
7 called the opening battle for the construction of a
8 new world order.

9 "Therefore, the new system reveals the char-
10 acteristic ideal of our race at this critical moment,
11 and at the same time, it is only the new system that
12 can open a clear path for the revelation of the
13 principle of the "Whole World Under One Roof" (TN,
14 HAKKO ICHIU) and lead the world from its mad confusion.
15 So, this is something more than merely an intention.
16 If it is that which is necessary to a policy, the
17 new system will be unnecessary when circumstances
18 which necessitated the policy disappear. For example,
19 assume that we compromise with AMERICA and BRITAIN,
20 then, the new system will not always be necessary.
21 The new system aims at the establishment of a new
22 world order, organizing a characteristic national
23 system and whatever circumstances may develop to lead
24 these circumstances as according to the principle of
25 HAKKO ICHIU (TN, Whole World Under One Roof), enveloping

1 "the whole world in the principle of the Imperial
2 Way, and, at the same time, completely solving the
3 present crisis.

4 "The very conclusion that the CHINA Incident
5 cannot be settled unless we cooperate with the Americans
6 and British, prevents the Incident from ever being
7 settled. The moment we establish a policy to drive
8 out all Anglo-Americans from CHINA, CHINA will begin
9 to move toward a new order. The European situation
10 will also change immediately when we make up our minds
11 to form a joint front with GERMANY and ITALY. If we
12 hope in vain that GERMANY and BRITAIN would fight
13 forever, the European War may end earlier than we
14 expect. Only when we rid ourselves of this idea that
15 we have to depend on BRITAIN and AMERICA, and estab-
16 lish the plan to construct a self-supporting economy
17 in the JAPAN-MANCHURIA-CHINA bloc, can we materialize
18 an expansion plan of our armament, production power,
19 independent of BRITAIN and AMERICA. Has the government
20 studied or formed any plans for cementing an economic
21 plan with the intention of freeing itself from a pro
22 Anglo-American policy? We'll lose GREAT BRITAIN and
23 the UNITED STATES, but MANCHURIA, CHINA and the SOUTH
24 SEAS will become ours.

25 "Of course, it will require a great deal of effort

1 "to establish this bloc, and it cannot be mentioned
2 in the same breath with the easy pro Anglo-American
3 policy, but when we face it with the resolution of
4 the soldiers out on the front, the more difficult
5 things will be, the results will be the real blood
6 and flesh. Instead of relying on foreign sources for
7 materials, to have one's own through toil and hard-
8 ships should be the nation's attitude.

9 "Only when we firmly do believe that allying
10 with GERMANY and ITALY, and expelling British and
11 American influences from CHINA, and settling the
12 Incident with definite measures and plans, are the
13 steps our nation should take, will the various admin-
14 istrative plans for the country be formed, the goal
15 of the people determined, and the people, defying all
16 hardships, earnestly strive for the settlement of the
17 Incident with a burning hope for the future. Is it
18 that the government is not endeavoring toward the
19 materialization of this plan because they are selfishly
20 concluding that such a thing is purely an ideal of
21 no practical value? The time is when we must choose
22 between maintenance or destruction of the present
23 status quo. Compromise is not allowed. To Premier
24 YONAI, we ask the government's decision concerning
25 these matters."

1 MR. PARKINSON: If the Tribunal please,
2 I now offer in evidence IPS Document No. 852 in
3 connection with the shooting of the British Amba-
4 sador at Shanghai, 1937.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 852 will receive Exhibit No. 265.

8 (Whereupon, prosecution's exhibit No.
9 265 was received in evidence.)

10 MR. BROOKS: If the Tribunal please, I
11 would like to, on the last exhibit, if the prosecution
12 can do it, furnish us the date and the status of the
13 party that made that statement. It doesn't show.

14 THE PRESIDENT: The date is 21 September,
15 1937, and it is a letter from the Japanese Minister
16 for Foreign Affairs to the British Ambassador in Tokyo.

17 Which one are you referring to?

18 MR. BROOKS: I am referring to exhibit 264;
19 the last statement says it was made to YONAI, but it
20 does not say when it was made. I thought if they have
21 it, we might like to have that in there. It might
22 save us a lot of trouble. Thank you very much.

23 THE PRESIDENT: The Tribunal too would like
24 to know where you got that, Mr. Parkinson? Is it
25 from a book or a pamphlet?

1 MR. PARKINSON: If the Tribunal please, those
2 were extracts. It is from a volume of HASHIMOTO,
3 Kingoro called "The Inevitability of Renovation."
4 It is intended to lodge the entire volume with the
5 Secretariat. At this moment, however, it is out for
6 some additional processing.

7 THE PRESIDENT: Will you hand up what you
8 have there, Mr. Parkinson?

9 MR. PARKINSON: I could not quite hear you,
10 your Honor.

11 THE PRESIDENT: Pass it up.

12 MR. PARKINSON: The original of that was
13 lodged.

14 THE PRESIDENT: Well, proceed with the reading
15 of this other letter.

16 MR. PARKINSON (Reading): "Excerpts from
17 Announcements of Japanese Government relating to
18 the China Incident (vol 1) 1937.

19 "Reply of the Minister for Foreign Affairs to
20 the British Ambassador. September 21st, 1937.

21 "Monsieur l'Ambassadeur: With reference to
22 the incident of the wounding of His Britannic Majesty's
23 Ambassador to China, Sir Hughe Knatchbull-Hugessen,
24 concerning which I made an ad interim reply in my
25 Note under the date of September 6th, 1937, I now have

1 "the honour to inform Your Excellency that the inquiry
2 in Shanghai and its vicinity having been completed the
3 Japanese Government desire to make the following reply:

4 "2. As the result of most careful investigations
5 it has been established that on August 26th at 2.35
6 p.m., two Japanese planes machine-gunned and bombed
7 two motor-cars which were believed, in all sincerity,
8 to be military busses or trucks carrying officers or
9 soldiers of the Chinese army at a point three kilometres
10 southeast of Kating, where the Chinese forces were
11 concentrated and since August 18th, not only had
12 Japanese aeroplanes made repeated attacks upon them
13 but a number of aerial combats between the Japanese
14 and Chinese planes had taken place.

15 "3. Owing to the difficulty, in present circum-
16 stances, of conducting an investigation on the spot,
17 there has been some slight discrepancy in the various
18 reports received as to the position of the Ambassador's
19 motor-car at the time when he was wounded, but it was
20 ascertained that no Japanese aeroplane had made a
21 machine-gun attack or dropped a bomb in the locality
22 where the Ambassador was first reported to have been
23 wounded.

24 "However, careful study made simultaneously by
25 the Japanese and British authorities leads to the

1 "conclusion that the position of the motor-car in
2 question might have been to the southward of Kating,
3 instead of 6 miles south of Taitsang as stated in
4 an earlier British report.

5 "4. In the light of all these circumstances,
6 the Japanese Government consider that the incident
7 may have been caused by Japanese planes which mistook
8 the Ambassador's motor-car as a military bus or truck.
9 As the wounding of the Ambassador may thus have been
10 due to the action, however involuntary, of Japanese
11 aircraft, the Japanese Government desire to convey
12 to His Britannic Majesty's Government a formal ex-
13 pression of their deep regret.

14 "5. As regards the question of the punishment
15 of the aviator concerned, it is needless to say that
16 the Japanese Government would take suitable steps
17 whenever it was established that Japanese aviators
18 killed or wounded, intentionally or through negligence
19 nationals belonging to a third country.

20 "6. As stated in their interim note of September
21 6th, instructions have been sent again to the Japanese
22 forces in China to exercise the greatest care in safe-
23 guarding non-combatants, it being the desire and policy
24 of the Japanese Government to limit, as far as this
25 can possibly be done, the dangers to non-combatants

1 "resulting from the existence of hostilities in China.

2 "I avail myself of this opportunity to renew to
3 Your Excellency the assurances of my highest consid-
4 eration.

5
6 "His Excellency
The Right Honourable Sir Robert L. Craigie, K.C.M.G.,
His Britannic Majesty's Ambassador to Japan.
7 etc., etc., etc., "

8 THE PRESIDENT: We will recess now for
9 fifteen minutes.

10 (Whereupon, at 1445, a recess was taken
11 until 1500, after which the proceedings were
12 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Parkinson.

4 MR. PARKINSON: If the Tribunal please, I
5 now offer as prosecution's next exhibit IPS document
6 No. 1504D. This is an extract taken from the Tokyo
7 Gazette, March-April 1938, pages 1 and 2, and the
8 original is on file.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 1504D will receive exhibit No. 266.

12 (Whereupon, the document above referred
13 to was marked prosecution's exhibit No. 266 and
14 received in evidence.)

15 MR. PARKINSON: (Reading)

16 "Tokyo Gazette, March-April 1938, pp. 1-2

17 "THE JAPANESE SPIRIT

18 "Its Significance with reference to the China
19 Affair.

20 "Department of Education.

21 "Recent developments have shown clearly that
22 the new phase of the China Affair which has now been
23 inaugurated is of far greater significance and of a
24 more positive and constructive nature than the pre-
25 vious phase of the struggle. Japan's first policy

1 adopted reluctantly toward the Nationalist Govern-
2 ment and its armed forces was to deal them a punish-
3 ing blow in the hope that they would realize the
4 disastrous error of their anti-Japanism and return
5 to a sane course of action by promoting friendship
6 and collaboration between the two countries.

7 "Yet the Nationalist Government and the
8 Chinese troops persisted in their blindness; even so
9 decisive a blow as the fall of Nanking has failed
10 to awaken them to the seriousness of their plight.
11 They have entrenched themselves within the far inter-
12 ior of China, and, recruiting soldiers, importing
13 arms and relying upon assistance from third Powers
14 they are taking no notice of the devastation of their
15 country nor of the distress of their people.

16 "On January 16th, therefore, the Japanese
17 Government issued its significant statement setting
18 forth the irrevocable determination to deal no longer
19 with the Nationalist Government. Briefly, Japan has
20 given up all hope of negotiating peaceful settlement
21 of the Affair with the Kuomintang and accordingly
22 is looking forward to and assisting in the develop-
23 ment of the new regime organized in North China as
24 the Central Government of her neighbouring Republic,
25 thereby striving for construction of a moral order in

1 East Asia.

2 "The ultimate purpose of Japan's present
3 action in China, as has been officially and publicly
4 reiterated, is solely to eliminate all the causes
5 imperiling peace and security in East Asia so that
6 the countries in that part of the world may enjoy
7 the ideal of co-existence and common prosperity
8 between themselves, while firmly establishing their
9 independent national existence not only in their
10 domestic life but also in their international relations.
11 If we fail, therefore, in successfully settling the
12 present affair, all of East Asia will be reduced to
13 chaos with possible collisions of interests between
14 Western Powers, and the very existence of Japan will
15 be jeopardized. Hence the entire nation is called
16 upon to rise unitedly to meet the emergency.

17 "The unselfish aims of the Japanese action
18 on the Asiatic continent which rise far above territor-
19 ial designs can best be comprehended against the
20 background of the 2,600 years of Japan's glorious
21 history. 'The whole world as one family,' the ideal
22 which was set forth in the Imperial Message granted
23 by the Emperor Jimmu, Founder of the Japanese Empire,
24 on the occasion of His accession to the Throne, the
25 ideal in accordance with which the Empire was

1 founded, has always constituted the basis for the
2 political principles in the internal as well as
3 external relations in the national life of the
4 Japanese people. 'The whole world as one family'
5 in terms of modern life means a state of existence
6 in which individuals, peoples and nations have their
7 respective, distinctive and rightful places in all
8 phases of human life, thereby living independently
9 but also in mutual assistance and friendly cooperation.

10 "This is the ideal and spirit that, even
11 in the current emergency has been guiding the motives
12 and actions of Japan. It is the conviction of the
13 entire nation that the present Affair has been
14 providential in affording an opportunity for realiz-
15 ing this lofty national ideal, which may prove in the
16 end to be of the greatest benefit to the whole world.
17 When viewed in this light, the China Affair consti-
18 tutes the historic task bequeathed to modern Japanese
19 by their forefathers. As loyal subjects, therefore,
20 it is clearly our duty both toward our ancestors
21 and our posterity that we should undertake this task --
22 to future generations we must hand down the results
23 of successful execution.

24 "The spirit of whole-hearted devotion and
25 grateful service to the State has been a glorious

1 founded, has always constituted the basis for the
2 political principles in the internal as well as
3 external relations in the national life of the
4 Japanese people. 'The whole world as one family'
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19 by their forefathers. As loyal subjects, therefore,
20 it is clearly our duty both toward our ancestors
21 and our posterity that we should undertake this task --
22 to future generations we must hand down the results
23 of successful execution.

24 "The spirit of whole-hearted devotion and
25 grateful service to the State has been a glorious

1 tradition of the Japanese people. The basic char-
2 acteristic of Japan's national life lies in the
3 coherent and coordinated unity wherein all subjects
4 orient around the Imperial Throne occupied by a
5 single dynasty from time immemorial. In the Japanese
6 mind, it should be understood, there has been no
7 conception of the individual as opposed to the State.
8 All members of the nation have conceived themselves
9 as parts of the State. Since they are parts, they
10 should essentially be united into the whole which is
11 the State, and to do their allotted tasks has been
12 the way to be united within the State. In the face
13 of the present crisis the only course for Japanese
14 to follow is to embody this national spirit in their
15 lives, a course of action that has appropriately
16 been pursued since the beginning of the present
17 Affair with the voluntary execution of the National
18 Spiritual Mobilization Movement."

19 I might add that that was issued at the
20 time that the defendant KIDO was Minister of Edu-
21 cation.

22 THE PRESIDENT: Mr. Logan.

23 MR. LOGAN: If the Tribunal please, I ask
24 the Court to examine the entire document submitted.
25 There is nothing in there which indicates that this

1 was issued by the Department of Education. It just
2 merely says that it is a reprint from some other
3 publication.

4 THE PRESIDENT: We will inspect the original.

5 MR. LOGAN: I would also like to know if
6 the prosecution is claiming that Marquis KIDO either
7 published this, wrote it, or had anything to do with
8 it.

9 THE PRESIDENT: Well, in the meantime you can
10 answer that question, Mr. Parkinson.

11 MR. PARKINSON: We take the position that,
12 as Minister of Education, he was chargeable with the
13 responsibility of the acts and publications of those
14 who served under him.

15 THE PRESIDENT: Well, we don't want argument
16 at this stage.

17 MR. LOGAN: I would like to know what the
18 position of the prosecution is, whether they are
19 claiming he had anything to do with this article.

20 THE PRESIDENT: I take it they put before
21 us the fact that this article appeared in the Gazette
22 at the time when KIDO was Minister for Education and
23 let us draw the necessary inference. Having read
24 the whole of the Gazette, we may not draw any infer-
25 ence hostile to KIDO. I can't say.

1 MR. LOGAN: Do I gather from that, your
2 Honor, that the Court has ruled there is the presump-
3 tion that he had nothing to do with it unless the
4 prosecution shows to the contrary?

5 THE PRESIDENT: No. It will be obvious to
6 you, Mr. Logan, that we haven't considered that yet.

7 MR. LOGAN: It clearly appears from the
8 original text submitted, the Gazette, that that is a
9 reprint from some other report, your Honor, and I am
10 at a loss unless I know what weight the prosecution
11 places in offering such a document unless they can
12 tie it in more definitely.

13 THE PRESIDENT: They invite us to fix KIDO
14 with the responsibility for the article, clearly,
15 and you invite us not to do so, but our decision must
16 be deferred. In short the question is whether a
17 minister must be held criminally responsible for
18 every article appearing in any publication issued by
19 his department.

20 MR. LOGAN: What I am trying to avoid, your
21 Honor, is the shifting of the burden of proof here
22 by the introduction of articles that doesn't appear
23 from where they came or who wrote them. The prosecu-
24 tion, by such a method, is endeavoring to create some
25 sort of an inference and shift the burden from

1 themselves to actually prove it over to us to dis-
2 prove it. That, I think, should be avoided if
3 possible. And the mere fact, if it please the
4 Tribunal, that Mr. Parkinson, after finishing read-
5 ing that article, stated that this was published
6 during a time that KIDO was Minister of Education
7 shows that that is exactly, to my mind, what the
8 prosecution is trying to do in this case.

9 THE PRESIDENT: There may be quite a number
10 of articles of that type issuing from departments
11 controlled by Marquis KIDO. I don't know. We had
12 better keep open minds about that. From such a
13 number of articles a hostile inference might be drawn
14 but, perhaps, not from one article.

15 You had better proceed, Mr. Parkinson.

16 MR. PARKINSON: If the Tribunal please, I
17 understand Colonel Morrow is now ready to introduce
18 this interrogation of MUTO.

19 THE PRESIDENT: Colonel Morrow.

20 COLONEL MORROW: If the Court please, I
21 had completed reading the English of this exhibit
22 down to the third page, first question on the third
23 page, and then it was discovered that the translation
24 had been badly assembled. Does the Court desire me
25 to continue this reading of the interrogation or

1 shall I wait until the Japanese catches up with me?

2 THE PRESIDENT: Well, we will have to wait
3 for the Japanese translation now or when you finish,
4 which won't be long.

5 COLONEL MORROW: Yes, sir.

6 THE PRESIDENT: We might as well have the
7 Japanese translation now.

8 COLONEL MORROW: Yes, sir. Well, at the
9 risk of repetition, it might be proper that I start
10 from the beginning and the Japanese follow me.

11 THE PRESIDENT: Aren't they ready to trans-
12 late what you have already said without your saying
13 another word?

14 MONITOR: Are we to proceed with the Jap-
15 anese translation now?

16 COLONEL MORROW: Yes.

17 (Whereupon, the Japanese version
18 of the portion of prosecution's exhibit
19 No. 255 previously read by Colonel Morrow
20 was read by the Language Section.)
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1 COLONEL MORROW: If the Court please.

2 (Reading):

3 "Excerpt from Interrogation of MUTO, Akira dated 20
4 April, 1946, pages 5, 6, 7.

5 Questions by Mr. Hyder:

6 "Q. General, in November 1937 you joined the Staff
7 of the Central China Army?

8 "A. Yes.

9 "Q. Who was the Commander of that Army?

10 "A. General MATSUI.

11 "Q. Did you join it in the first part of November?
12 Do you recall approximately the date?

13 "A. In the latter part.

14 "Q. Nanking fell in December?

15 "A. Yes.

16 "Q. And you were there from December until when, in
17 Nanking?

18 "A. I returned to Shanghai around December 24th or
19 25th.

20 "Q. Nanking fell approximately December 13th?

21 "A. Yes, around the 13th or 14th.

22 "Q. And you left about two weeks later?

23 "A. Yes, I was there around ten days.

24 "Q. And what was your position at the time?

25 "A. Adjutant to the Chief of Staff.

1 "Q. General, were you aware of the misbehavior of
2 the Japanese troops at the time of the surrender
3 in Nanking?

4 "A. At that time General MATSUI was suffering from
5 tuberculosis and had been in the rear area. We
6 came to Nanking for the taking over ceremonies.
7 I remained ten days. At that time the town was
8 already cleaned up and it was safe for us to
9 walk about alone. I had not heard of the Japan-
10 ese soldiers acting up.

11 "Q. Either before or after the time you entered Nan-
12 king City proper?

13 "A. I had heard of incidents from my superior TSUKADA,
14 who was Chief of Staff.

15 "Q. What did he tell you?

16 "A. The original order for the taking of Nanking stated
17 that only picked, fine troops were to enter the
18 town. The remainder of the troops were to remain
19 out. However, all of the units entered the town,
20 for which action General MATSUI was reprimanded
21 by the staff."

22 The interpreter said he made a mistake:

23 "MATSUI became mad and bawled out his subordinates."

24 "I heard from TSUKADA that there were incidents
25 of stealing, killing, assault and rape. Follow-

1 ing that, orders were issued for all units except
2 security troops to leave the town.

3 "Q. General, what was the reason for the order re-
4 quiring that only picked troops could enter the
5 city? Had there been misbehavior of the troops
6 in other cities?

7 "A. It was felt that if too many troops were allowed
8 in Nanking, there was due to be trouble, inasmuch
9 as the troops had suffered many hardships since
10 Shanghai. The men were under pressure for such
11 a long time that it was felt inadvisable to al-
12 low them in town.

13 "Q. MATSUI, of course, knew of those reports?

14 "A. General MATSUI heard of the incidents after-
15 wards and became quite enraged at the conduct.

16 "Q. Did he tell you this?

17 "A. I was there when General MATSUI heard of this and
18 was being reprimanded.

19 "Q. By whom?

20 "A. By the Chief of Staff.

21 "(Interpreter: I made a mistake, MATSUI became mad
22 and bawled out his subordinates.)

23 "Q. Now the report listed a great number of such in-
24 cidents, did it not?

25 "A. The reports did not show very many incidents.

1 As soon as it was published, orders were issued
2 to the MPs to suppress such activities and ar-
3 rest any participants.

4 "Q. You issued that order?

5 "A. The order was issued by General MATSUI.

6 "Q. When did he do so?

7 "A. The order was issued as soon as he heard of the
8 incidents. The MPs normally had the duty. How-
9 ever, the order was to more severely enforce the
10 regulations.

11 "Q. Was the order issued just before you left or after-
12 wards?

13 "A. As soon as we arrived in Nanking for the cere-
14 monies, he received the information and the order
15 was immediately issued.

16 "Q. Did the incidents reported take place in November
17 of 1937?

18 "A. No, not in November. They first occurred after
19 entry into Nanking.

20 "Q. That was approximately what date?

21 "A. Nanking was entered around the 12th to the 14th,
22 and I believe that's when these incidents started.

23 "Q. You joined MATSUI's Army as it was attempting to
24 take the city of Nanking.

25 "A. Yes, just before that.

1 "Q. How far out of the city was the Army when you
2 joined it?

3 "A. They were still in the vicinity of Shanghai."

4 Then there is another:

5 "Excerpt from Interrogation of MUTO, Akira dated 22
6 April, 1946, pages 2, 3.

7 "Q. In this report, did it mention incidents singly
8 or just report that so many soldiers had looted
9 the town and robbed the inhabitants?

10 "A. I remember in a report that it was reported that
11 the Chinese people were looted, burglarized, and
12 others, such as rape, etc.

13 "Q. By the Japanese Army?

14 "A. Yes.

15 "Q. Were the incidents reported up in the thousands,
16 hundreds or what was the number given in this
17 report?

18 "A. Between ten and twenty incidents were reported.

19 "Q. Were any other reports made, General?

20 "A. There were two commanders under General MATSUI,
21 and only the number mentioned previously were
22 reported.

23 "Q. What were the names of the two commanders under
24 MATSUI?

25 "A. Prince ASAKA was the Commander of one army, and

1 Lt. Gen. YANAGAWA was the Commander of the other.

2 "Q. Are those men living today, General?

3 "A. Prince ASAKA is still living, but I believe Lt.
4 Gen. YANAGAWA died. I heard that Lt. Gen. YANA-
5 GAWA died when he was in Sumatra.

6 "Q. Does the Prince live in Tokyo?

7 "A. I do not know.

8 "Q. General, as a matter of fact, you knew that there
9 were thousands of these incidents rather than a
10 dozen or so, did you not?

11 "A. I can't imagine that there were so many incidents.

12 "Q. General, you read the newspapers at the time,
13 did you not, that mentioned more than thousands --
14 that ran the number up into the hundreds of thou-
15 sands in Nanking?

16 "A. I did not read the papers.

17 "Q. You know, of course, that there was such a thing
18 as "The Rape of Nanking"?

19 "A. When I went to North China, I did hear that such
20 a book was published in America concerning the
21 rape of Nanking, but due to the fact that I could
22 not read English, I was unable to read the book.

23 "Q. Now General, didn't you know that there thousands
24 of these incidents, such as murder, robbery, pil-
25 lage, rape, by Japanese soldiers?

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"A. To assist the Chief of Staff."

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1 THE PRESIDENT: Mr. Parkinson.

2 MR. PARKINSON: If the Tribunal please, I
3 now offer a speech delivered by KAWAI, Tatsuo, Director
4 of the Bureau of Information of the Foreign Office in
5 August, 1938, before the students of the Imperial Uni-
6 versity, and ask leave to read an extract therefrom.

7 THE PRESIDENT: Do you tender the extract?

8 MR. PARKINSON: Yes, sir. It is IPS document
9 No. 1203.

10 THE PRESIDENT: Admitted on the usual terms.

11 DEPUTY CLERK OF THE COURT: Prosecution's docu-
12 ment 1203 will receive exhibit No. 267.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 267 for
15 identification, and was received in evidence.)

16 MR. PARKINSON: (Reading) "EXTRACT: 'The
17 Chinese Incident and Imperial Diplomacy' by KAWAI,
18 Tatsuo, August, 1938, Page 99.

19 "One year prior to the Marco Polo (Loukou-
20 chiao) Bridge Incident, a movement for autonomy of
21 the five provinces in North China was launched. As
22 a natural result of the fact Japan had contributed
23 much to the establishment of Manchoukuo and that
24 Japan's actual influence was firmly established
25 throughout the areas east of Hsingan ranges and south

1 of the Amur River in Manchuria, that 'horizontal ten-
2 dency' was directed to North China and there is an
3 equation for this as set forth in history.

4 "Thus, the autonomy movement of the five
5 provinces in North China was started. Thereupon, Japan
6 demanded the autonomy of the five provinces of North
7 China. However, the Chinese Government cleverly
8 checked Japan's southward advance, and this movement
9 of autonomy for North China decreased from five to two
10 provinces, and also in these two provinces this politi-
11 cal movement was turned into an economic problem, and
12 that economic movement in the long run gained nothing
13 or it was narrowed down to such trivial questions of
14 rights and interests of Tsang-shi Railway or Lung-yen
15 Iron Mine and all this finally failed to bear any fruit.
16 This result made its appearance as (Loukouchiaio) Marco
17 Polo Bridge Incident."

18 THE PRESIDENT: Yes, Mr. Parkinson.

19 MR. PARKINSON: For the information of defense
20 counsel I shall not offer at this moment documents
21 1269 A and C, and documents 1273 and 74 for the reason
22 that the translation is being corrected; and, therefore,
23 offer in evidence IPS document No. 1156-L-3, this being
24 a "Statement of the Government concerning the China
25 Incident."

1 THE PRESIDENT: Admitted on the usual terms.

2 DEPUTY CLERK OF THE COURT: Prosecution's
3 document No. 1156-L-3 will receive exhibit No. 268.

4 (Whereupon, the document above referred
5 to was marked prosecution's exhibit No. 268 for
6 identification, and was received in evidence.)

7 MR. LOGAN: If the Tribunal please, with
8 respect to the previous exhibit, No. 267, document
9 1203, the copies we received are dated August, 1932.

10 I understand that that speech was made --
11 that it is a typographical error; it should be
12 August, 1938.

13 THE PRESIDENT: It is 1938 in the Judges'
14 copies. Look at it through a microscope you will find
15 it is an eight, Mr. Logan.

16 MR. LOGAN: I also wish to call the Tribunal's
17 attention to the fact that this speech was made by a
18 very minor official in the government, and the foreign
19 minister at that time is not one of the accused here
20 today.

21 THE PRESIDENT: The point does not escape the
22 notice of the Members of the Tribunal who have dis-
23 cussed it among themselves.

24 MR. PARKINSON: May I proceed, your Honors please?

25 THE PRESIDENT: Yes.

1 MR. PARKINSON: (Reading)

2 "STATEMENT OF THE GOVERNMENT CONCERNING THE
3 CHINA INCIDENT.

4 "1. The statement of the Government on
5 16 January 1938 (13th year of Showa).

6 "The Imperial Government has been patient
7 enough, after the occupation of Nanking, to give the
8 last opportunity to the Chinese national government for
9 reconsidering the situation. But they do not under-
10 stand our real intention, attempt foolishly to counter-
11 attack, disregard the greatest distress of the people
12 at home and do not mind the peace of the entire East
13 Asia. Thereupon, the Imperial Government will not care
14 for the National Government hereafter, and expect the
15 establishment and development of a new government of
16 China that will really be worthy coalition with our
17 Empire. We desire to strive, rising under cooperation
18 with such new government, to arrange the relation between
19 the two countries and to construct a new revived China.
20 Of course, there will be not even a slight change in our
21 policy that respects the territoriality and sovereignty
22 of China and the rights and interests of other powers
23 in China. Our responsibility for the peace of the East
24 Asia is now increasing heavier and heavier. It is the
25 most earnest desire of the Government that our people

1 devote themselves to perform this important mission.

2 "2. The statement of the Government on 3 Nov-
3 ember 1938 (13th year of Showa).

4 "Now, by the august virtue of His Majesty the
5 Emperor, the Imperial Army and Navy have already cap-
6 tured Kwantung, Hankow and Uchang, and have overcome
7 the important districts of China. The National Govern-
8 ment is now merely a local regime. But, so far as the
9 same Government adheres to the pro-communism and anti-
10 Japanese policy, we will never lay aside our arms until
11 they are completely annihilated. It is the establish-
12 ment of a new order that will enable us to maintain
13 permanent peace of East Asia, that the Empire seeks.
14 This is really the ultimate object of the present expe-
15 dition. To realize this new order it is extremely essen-
16 tial to bring Japan, Manchoukuo and China into frater-
17 nal linked relation in the fields of politics, econo-
18 mics, culture and so forth, and moreover, to establish
19 international justice, carry out the common defence
20 against communism, create a new civilization and realize
21 economic unification. This must really be the way to
22 stabilize the East Asia and contribute to the progress
23 of the world.

24 "What the Empire demands China is to take her own
25 share in the task of establishing a new order in the

1 East Asia. The Empire expects the Chinese people would
2 understand perfectly our real intention and respond to
3 our cooperation. Of course, even the National Government,
4 only if it gives up its guiding policy which it has been
5 taking, realizes its rebirth by making shifts in per-
6 sonnel and participates in construction work for the
7 new order, our Empire will never reject its cooperation.
8 There is no doubt that all the powers of the world
9 would also perfectly understand our real intention and
10 adapt themselves to the new situation in the East Asia.
11 We here express our hearty gratitude for the warm friend-
12 ship shown by our brotherly Powers. We believe that the
13 establishment of a new order in the East Asia is based
14 upon the spirit of the foundation of our Empire, and its
15 completion is an honorable mission charged upon the
16 present Japanese peoples.

17 "The Empire should enforce the renovation in
18 the various internal affairs, enlarge the total national
19 power, and strive for the completion of this great
20 task at all costs. Hereby the Government state the
21 immovable policy and resolution of the Empire.

22 "3. 'Premier Kenoye's conversation concerning
23 the readjustment of the relations with the reborn
24 China.' 22 December, 1938 (13th year of Showa).

25 "The Government, as it was clarified by the

1 second statement issued this year, is determined to
2 devote consistently to the complete destruction of the
3 anti-Japanese National Government by force, and at the
4 same time to the establishment of a new order in the
5 East Asia, cooperating with the thoughtful persons of
6 the same spirit in China. We now realize that the ten-
7 dency toward revival is so remarkable and an opportunity
8 is so quickly ripening for the construction in various
9 parts of China.

10 "Hereby, the Government wants to make public
11 our basic policy to adjust the relations with the revived
12 new China at home and abroad in order to make the world
13 understand our real intention. Japan, Manchoukuo and
14 China should unite with the establishment of new order
15 in the East Asia as their common object realize good
16 neighborhood and friendship, common defense against
17 communism and economical collaboration. For this,
18 nothing is more necessary for China than to discard her
19 old prejudices, and to abandon her foolish resistance
20 against Japan and her attitude hanging on to Manchou-
21 kuo. Frankly speaking, Japan wants China to positively
22 make friendly relation with Manchoukuo. Secondly, as
23 the influence of communism is not to be allowed to
24 exist in the East Asia, Japan considers the conclusion
25 of Japan-China Anti-Communist Agreement as the

1 essential condition for readjusting the relations
2 between Japan and China, in view of the spirit of the
3 Japan-Germany-Italy Anti-Communist Agreement.

4 "In view of the present situation in China,
5 we demand China to approve the stationing of Japanese
6 Army forces for preventing communism at defined places
7 during the term of validity of the said agreement, and
8 to make the Inner Mongolian district a special anti-
9 communism zone.

10 "As to the economic relations between Japan
11 and China, Japan has no ambition for economic monopo-
12 lization, and will not request China to restrict the
13 interests of the third nations of good will, which
14 would act under the complete understanding of the new
15 East Asia. We only hope to realize cooperation and
16 collaboration between the two countries at all costs.

17 "Based upon the principle of equality between
18 the two countries, Japan demands China to grant the
19 Japanese subjects freedom of residence and business in
20 China so as to promote the economic profits of the two
21 countries, and, in view of the historical and economic
22 relations between the two countries to bestow Japan
23 conveniences positively in North China and Inner Mon-
24 golia so as to exploit and utilize their resources.

25 "What Japan demands China were outlined above.

1 If China perfectly understood our real intention for
2 the mobilization of such tremendous forces, it would be
3 clear to her what Japan demands China is neither a
4 territory nor compensation of war expenditure. We only
5 demand the minimum security that is necessary for China
6 to perform her responsibility as a participator in the
7 establishment of a new order. Japan will, of course,
8 respect the sovereignty of China and is willing to
9 abolish the extra-territoriality and pay positive con-
10 sideration to the retrocession of concessions, which
11 are necessary for the completion of independence of
12 China."

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please, with
15 respect to this Document 268, there is no certificate
16 attached to it. Defense does not know from where the
17 statement came, when it was published, who published
18 it, or where the prosecution got it from.

19 THE PRESIDENT: The prosecution will answer
20 those questions tomorrow morning.

21 We will adjourn now until nine-thirty
22 tomorrow morning.

23 (Whereupon, at 1600, an adjournment
24 was taken until Friday, 9 August 1946, at
25 0930.)
